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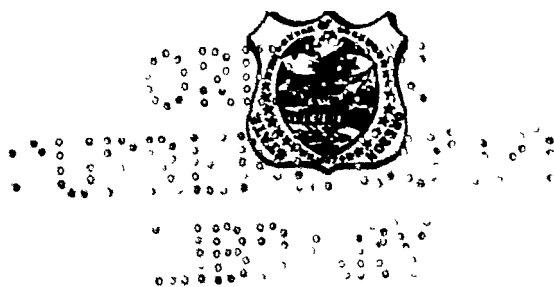
Council on Library and Information Resources

GENERAL LAWS
OF THE
STATE OF OREGON,

ENACTED BY THE
LEGISLATIVE ASSEMBLY,

AT THE
NINTH REGULAR SESSION,

1876.



SALEM, OREGON:
MART. V. BROWN, STATE PRINTER.
1876.

GENERAL LAWS.

AN ACT defining and punishing the Crimes of Kidnapping and Child Stealing.

Be it enacted by the Legislative Assembly of the State of Oregon:

SECTION 1. Every person who, without lawful authority, forcibly, seizes and confines another, or inveigles or kidnaps another, with intent either

1. To cause such other person to be secretly confined or imprisoned in this State against his will; or

2. To cause such other person to be sent out of this State against his will, shall be punished by imprisonment in the State penitentiary not less than one nor more than ten years.

SEC. 2. Every person who maliciously, forcibly or fraudulently takes or entices away any child under the age of twelve years, with intent to detain and conceal such child from its parent, guardian, or other person having the lawful charge of such child, shall be punished by imprisonment in the State penitentiary not less than six months nor more than ten years, or by imprisonment in the county jail not exceeding one year, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment.

Approved October 14, 1876.

AN ACT to amend Section 14 of Title I. of Chapter 28, General Laws of Oregon, being Section 686, Chapter 8, Criminal Code, published in 1874, by authority of Legislative Assembly of the State of Oregon.

Be it enacted by the Legislative Assembly of the State of Oregon :

That Section 14 of Title I. of Chapter 28, General Laws of Oregon, being Section 686 of Chapter 8 of Criminal Code, as published in 1874, by authority of Legislative Assembly, be amended so as to read as follows :

SEC. 686. That if any person shall sell, give, or cause to be sold or given, any intoxicating liquor to any minor in this State, without first obtaining the consent of one of such minor's parents or guardian, in writing; or if any keeper of any saloon, bar-room, or other vendor of spirituous or intoxicating liquors, within this State, shall harbor, permit or suffer any minor to loiter or remain in or about such saloon, bar-room, or other place where such spirituous or intoxicating liquors are sold or kept for sale, or to engage in any game of cards, billiards, bagatelle, or other game, in such saloon, bar-room or place aforesaid, either for amusement or otherwise, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both, at the discretion of the Court, and shall also forfeit any license such person may have to sell spirituous or intoxicating liquors in quantities less than one quart, or to keep such saloon, bar-room, or other place for the sale of such liquor. A Justice Court shall have jurisdiction of the crime herein defined.

Approved October 17, 1876.

AN ACT to provide Clerical Aid in the office of State Treasurer.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That there shall be allowed for clerical aid in the office of State Treasurer, the sum of twelve hundred dollars per annum, payable quarterly out of the general fund, and the Secretary of State is hereby authorized to draw his warrant on the State Treasurer for the same.

Inasmuch as clerical aid should be provided in the State Treasurer's office at once, this Act shall be in force from the time of its approval by the Governor.

Approved October 17, 1876.

AN ACT to repeal an Act entitled "An Act to provide for a State Geologist, to define his duties and to fix his salary," approved October 24, 1872.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That an Act entitled "An Act to provide for a State Geologist, to define his duties and to fix his salary," approved October 24, 1872, be and the same is hereby repealed.

SEC. 2. Inasmuch as the office of State Geologist is of no benefit to the people of the State, and the salary provided for by said Act is a useless expenditure of the funds of the State, this Act shall take effect and be in force from and after its approval by the Governor.

Approved October 17, 1876.

AN ACT relating to and legalizing the Election of Justices of the Peace for Monmouth Precinct, Polk County.

WHEREAS, At the May term of the County Court for Polk county, State of Oregon, held in 1870, there was granted an order for the election of two Justices of the Peace for the precinct of Monmouth, in said county;

AND, WHEREAS, Said Monmouth precinct did elect two Justices of the Peace in said precinct in June, 1870, 1872, 1874 and 1876, under said order,

AND, WHEREAS, Doubts have arisen as to the validity of said election; therefore

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That said elections be and they are hereby declared valid.

Approved October 17, 1876.

AN ACT to appropriate money for the payment of mileage and per diem, and other necessary expenses of the Legislative Assembly, and to provide funds for that purpose.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. There is hereby appropriated the sum of thirty thousand dollars, or so much thereof as may be necessary, for the payment of mileage and per diem of members and officers of the Legislative Assembly for the ninth biennial session, and other necessary expenses of this Legislature.

SEC. 2. For the purpose of providing funds for immedi-

ate use, the State Treasurer is hereby authorized and required to transfer to the Legislative fund, from the Soldiers' Relief fund, all moneys which are at present in said fund, except so much thereof as may be necessary to pay the interest on said relief bonds, accruing on the first of January, A. D. 1877.

SEC. 3. That the Secretary of State is hereby required to draw his warrant on the Treasurer for the sums severally due members and officers of the Legislative Assembly.

SEC. 4. Inasmuch as there is no law authorizing the payment of mileage and per diem of the members and officers of this Legislative Assembly, this Act shall take effect and be in force from and after its approval by the Governor.

Approved October 19, 1876.

AN ACT to amend Section 4 of Chapter 42 of Miscellaneous Laws of the State of Oregon, relating to Oysters.

Be it enacted by the Legislative Assembly of the State of Oregon:

SECTION 1. That Section 4 of Chapter 42 of Miscellaneous Laws of the State of Oregon, relating to oysters, be and the same is hereby amended so as to read as follows:

SEC. 4. No person shall gather or take oysters from natural beds within the waters of this State with a scoop, scrape, drag or dredge, where the water is of a less depth than twenty-four feet at low tide; nor shall any person, gathering oysters from natural or artificial beds, commit or permit waste by casting young oysters or shells on shore, or in places unfavorable to their growth or increase.

Inasmuch as the persons engaged in the oyster business within this State will be greatly benefited by this Act, said Act shall be in full force from and after its approval by the Governor.

Approved October 19, 1876.

AN ACT to regulate the sale of Intoxicating Liquors to Minors and others.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. It shall be unlawful for any person to knowingly sell, by agent or otherwise, any spirituous or other intoxicating liquors to any minor, for any purpose whatever, unless upon the written order of his parent or guardian or family physician, or to sell the same to any intoxicated person, or to any person who is in the habit of becoming intoxicated, and any person violating the provisions of this section shall forfeit and pay to the school fund the sum of one hundred dollars for each and every offense, to be collected by action on his bond, by any citizen of the county where such offense may have been committed.

Approved October 19, 1876.

AN ACT to amend Section 17, Title III., Chapter 32 of Miscellaneous Laws of Oregon, relating to Liens on Boats and Vessels.

Be it enacted by the Legislative Assembly of the State of Oregon :

That Section 17, Title III. of Chapter 32 of Miscellane-

ous Laws of Oregon, be and the same is hereby amended so as to read:

SECTION 17. Every boat or vessel used in navigating the waters of this State, or constructed in this State, shall be liable and subject to a lien :

1. For wages due to persons employed, for work done or services rendered on board of such boat or vessel ;

2. For all debts due to persons by virtue of a contract, expressed or implied, with the owners of a boat or vessel, or with the agents, contractors, or sub-contractors of such owner, or any of them, or with any person having them employed to construct, repair, or launch such boat or vessel, on account of labor done or materials furnished by mechanics, tradesmen, or others, in the building, repairing, fitting, and furnishing or equipping such boat or vessel, or on account of stores and supplies furnished for the use thereof, or on account of launchways constructed for the launching of such boat or vessel;

3. For all sums due for wharfage, anchorage or towage of such boat or vessel within this State;

4. For all demands or damages accruing from the non-performance or mal-performance of any contract of affreightment, or of any contract touching the transportation of persons or property, entered into by the master, owner, agent or consignee of the boat or vessel on which such contract is to be performed, and for damages or injuries done to persons or property by such boat or vessel.

5. Inasmuch as the present laws upon this subject are defective, this Act shall take effect from and after its approval by the Governor.

Approved October 19, 1876.

AN ACT entitled an Act relative to Trails and Water-Courses.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That when the citizens of any county within this State shall determine to have a trail, or use a water-course, slough or stream as such road or trail, the same shall be done by petition to the County Court of the county where such trail, water-course, slough or stream is situated, said petition to represent a majority of the freeholders of the road district desiring said trails or water-courses as such, as aforesaid.

SEC. 2. It shall be the duty of said County Court, if approving said petition, to appoint three competent men as viewers, who shall meet on a given day at one of the points of terminus of said trail or water-course, and proceed, without delay, to view out and locate, by legible tree marks, if a trail, the most eligible and best route from point to point in said petition; if a trail, the same not to be less than six feet wide.

SEC. 3. After such trail or water-course shall have been located as a public highway by said viewers, it shall be their duty to make a report to the County Court of the county wherein such location shall have been made, giving a complete description of the route so located.

SEC. 4. The County Court, after a full examination of said report, if approved, shall order any Supervisor of Roads within the proper district to call out those liable to work upon roads, to do and perform such labor upon such trails or water-courses as is now done upon public highways, and such tax shall not thereafter be required for any other road purpose.

SEC. 5. Such trails or water-courses shall be under the control of the County Court of the counties in which the same are located, as public highways, and continue to be worked from year to year, as roads or highways are worked.

SEC. 6. The provisions of this Act shall not apply to county roads.

Approved October 19, 1876.

AN ACT to amend Section 1118, Title 6, Chapter 15, of the Code of Civil Procedure of the State of Oregon, relating to the Sale of Property by Executors or Administrators.

Be it enacted by the Legislative Assembly of the State of Oregon:

SECTION 1. That Section 1118, Title 6, Chapter 15, of the Code of Civil Procedure of the State of Oregon relating "to the sale of property by executors or administrators," be amended so as to read as follows, to-wit:

SEC. 1118. Upon the order being made, the executor or administrator shall sell the property therein specified, upon the terms therein directed, and in the manner herein otherwise provided. Such sale shall be made in the same manner as like property is sold on execution; *Provided, however,* That the Judge may, if thought best, order said property to be sold upon the premises. When the sale is upon credit, the executor or administrator shall take the note of the purchaser for the purchase money, with a mortgage upon the property, to secure the payment thereof.

Approved October 19, 1876.

AN ACT to amend an Act entitled An Act to Improve the Breeds of Sheep.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That Sections 37 and 38 of an Act entitled "An Act to Improve the Breeds of Sheep," and took effect March 19, 1866, be and the same is hereby amended so as to read as follows :

SEC. 37. That if any ram shall be found running at large out of the enclosure of its owner, between the first day of July and the first day of November, it shall be lawful for any householder to take up such ram; and if the owner thereof be known to him, it shall be the duty of the person taking up such ram to give notice forthwith to the owner of the taking up of such ram by him; and if, thereupon, the owner require a restoration of such ram, he shall pay to the taker up thereof the sum of five dollars; but if he refuse to do so, such ram shall be forfeited to the person taking up the same.

SEC. 38. That if the owner of any ram so taken up be not known to the person taking up the same, it shall be his duty forthwith to give notice by advertisement, posted up in three of the most public places in the election precinct in which he shall reside, of the taking up of such ram, describing therein the natural and artificial marks of, and stating the time of taking up, such ram. And if the owner appears and reclaims such ram within ten days from the taking up thereof, he shall pay the taker up, upon the restoration of such ram, the sum of six dollars for the taking up and advertising the same. And if the owner shall appear to reclaim such ram after such ten days, and

before the first day of November, he shall pay to the taker up, in addition to the sum of six dollars, twenty-five cents per week for the keeping of such ram; but if the owner does not reclaim such ram before the first day of November, the same shall be forfeited to the taker up; *Provided*, That the law, as above stated and set forth in this and the preceding section of this Act, shall only apply to cases in which rams have strayed, or to those that their whereabouts is not known to the owner thereof.

SEC. 2. *Be it further enacted*, That if any person, being the owner of a ram; or of rams, shall wilfully turn such animal out of his enclosure, or shall knowingly allow his ram or rams to range at large, where such may come in contact with herds of sheep not his own, between the times of year stated in the 37th section of this Act, as amended, shall forfeit such ram or rams to any person taking up the same, and shall be deemed guilty of unlawful conduct, and on proof being brought before a Justice of the Peace, or other court having competent jurisdiction, such person shall be fined in a sum not less than five nor more than thirty dollars for each offense, and the same sum for each ram so allowed to run at large.

SEC. 3. All fines collected under this Act shall be paid into the treasury of the proper county, for the use of the common schools thereof.

Approved October 19, 1876.

AN ACT to amend Section 1, Chapter 3, of the ous Laws of the State of Oregon.

Be it enacted by the Legislative Assembly of the State of Oregon:

SECTION 1. That Section 1, Chapter 3, of the Miscella-

neous Laws of the State of Oregon be amended to read as follows :

SECTION 1. That whenever any church, or religious, benevolent, literary or charitable society, or any society which shall have for its object the development of the physical or mental capacities of its members, or the development of agriculture or mechanics, shall desire to incorporate for the purpose of carrying out the object of said church or society, they may do so in the manner provided in this chapter.

Approved October 19, 1876.

AN ACT to provide a Board of Canal Commissioners for the Canal and Locks at the Willamette Falls, and to otherwise regulate the passage of Steamboats and other water craft through the same.

WHEREAS, It was one of the main objects, as stated in an Act entitled, "An Act to appropriate funds for the construction of a Steamboat Canal at the Willamette Falls," approved October 21, 1870, that the people of the State of Oregon should, for and in consideration of the use of two hundred thousand dollars and the privileges therein granted, have free navigation and freights cheapened on the Willamette river; and

WHEREAS, said Act, privileges, rights and pecuniary assistance granted to "The Willamette Falls Canal and Locks Company," as set forth in said Act, upon the express condition, among others, that the said corporation should not charge a greater rate of tolls than was therein set forth; and

WHEREAS, In said Act it was made the duty of said corporation to pass, without delay, through said Canal and Locks, all steamboats, flat-boats, barges, and other water craft as therein stated; therefore

Be it enacted by the Legislative Assembly of the State of Oregon:

SECTION 1. That it is and shall be unlawful for any and every person, corporation, company, or agent for, or employe of, either having authoritative charge or control of, or owning or claiming to own, or having any interest in the Willamette Falls Canal and Locks, on the west side of the Willamette river, or for any one whomsoever, to charge, or demand, or receive, directly or indirectly, any sum whatever for the passage of any steamboat, flat-boat, barge or other water craft, whether empty or otherwise, through said Canal and Locks, save and except such sum as shall not exceed the maximum of fifty cents per ton for the freight that is on board, and ten cents for each passenger, if any are carried.

SEC. 2. It shall be unlawful, save as is hereinafter set forth, for any and every such person, or corporation, or company, or agent or employe, as hereinbefore mentioned, or for any one whomsoever, to delay the passage of any of aforesaid steamboats, flat-boats, barges and other water craft, longer than to pass them each through in the order in which they shall arrive at either terminus of said canal.

SEC. 3. The owners or persons or companies in authority, in charge of the Locks, shall pass boats in the order in which they arrive at either terminus, for which they shall be entitled to a maximum of fifty cents per ton on freight as toll, and ten cents for passengers, to be paid before the lockage, if demanded.

SEC. 4. For the purposes of this Act, all aforesaid employes shall be regarded as agents, and principals shall be alike as responsible as agents for the said agents' violation of this Act in any particular.

SEC. 5. There shall be a Board of Canal Commissioners, constituted and appointed in the following manner, to-wit: The Legislative Assembly, in joint convention, shall biennially elect three Canal Commissioners, who shall constitute said Board, and said Board may appoint a Secretary and fix his compensation, whose duty it shall be to keep correct minutes of all the proceedings of the Commissioners, in books to be provided by them for that purpose, and keep a register of the names of all water craft passing through the Locks at the aforesaid Willamette Falls, a transcript and compilation of the freight list, and the number of passengers on board each boat each successive trip.

SEC. 6. It shall be the duty of the Governor, within ten days after the election of said Commissioners, to issue their commissions.

SEC. 7. It shall be the duty of said Commissioners, before entering upon the duties of their office, to qualify, by oath or affirmation, for the faithful discharge of such duties as are herein specified, and execute a bond, with two or more sureties, in the sum of ten thousand dollars each, for the faithful performance of duty.

SEC. 8. Should there occur a vacancy in the Board during the interval of a session of the Legislature, it shall be the duty of the Governor to appoint a suitable and qualified person to fill such vacancy until the Legislative Assembly shall elect.

SEC. 9. The Board of Canal Commissioners are hereby

authorized, empowered and required to bring and maintain any action, suit or proceeding, necessary or proper to compel "The Willamette Falls Canal and Lock Company," or any party claiming under said corporation by virtue of assignment, to keep and maintain said Locks and Canal according to the terms and provisions of this Act and of the Act before herein referred to, approved October 21, 1870, or recover any damages or penalty which said corporation or said assigns may be liable to pay on account of any failure to so keep and maintain said Locks and Canal.

SEC. 10. Should the Locks, or any part appertaining to them, require repairs, (unless occasioned by sudden casualty), it shall be the duty of the owners thereof to give timely notice to the Canal Commissioners, who must then advertise two weeks' notification to the public of such intention before such repairs shall proceed; but no repairs or improvements shall be undertaken unless of immediate emergency, and consuming not more than two days of time, without the consent of a majority of the Board of Canal Commissioners, and all repairs or improvements must be pushed to speedy completion, using all the men and means that can be made available for such purpose; and the Canal Commissioners have power and authority to hasten such work, if they observe a tendency in its owners or agents to delay in the prosecution of the repairs or improvements, at the expense of the said owners.

SEC. 11. Should the owners or agents of the said Locks refuse, on a tender of the fifty cents per ton on freight as toll, and the ten cents for each passenger, as hereinbefore stated, to pass a boat whose owner or agent presents it at either terminus for that purpose, unless the Locks are closed with the sanction and authority of the Canal Commissioners, or under the provisions of this Act, the said

owner or agent of the Locks shall forfeit two hundred and fifty dollars to the owner of the boat suffering detention, as liquidated damages, for each failure to conform to the requirements of the law, as in sections 2 and 3 related, and such damages may be recovered in any court of competent jurisdiction within the State. All or any owners of boats, subsequently applying for passage in regular order after such application by any other boat or boats, shall be entitled to the same rights, privileges and remedies as are given to the first arrival for the purpose of passage, in event said preceding boat or boats are not duly passed through said Canal and Locks by aforesaid parties, so in duty bound to pass the same.

SEC. 12. It shall be the duty of boat owners, using the said Locks, to make out two certified lists of tons of freight and number of passengers passing through the said Locks, which lists are to be tendered, one to the agent of the Locks Company and one to the Secretary of the Board of Canal Commissioners, and by both preserved for reference, which certified freight and passenger lists shall be taken as evidence of the amount of tons of freight and number of passengers on board.

SEC. 13. If any officer or employe of any boat shall intentionally deliver any false statement of freight or passengers to the Commissioners or Locks Company, the owner thereof shall be liable to the Commissioners in a penalty of five dollars per ton on excess of freight found above the amount certified, which penalty shall be a lien upon said boat, and on the recovery of any such penalty, the said Canal Commissioners shall pay to the Willamette Falls Canal and Locks Company, or to the party claiming under them by virtue of assignment, at the rate of fifty cents per ton for the number of tons recovered upon.

SEC. 14. The said Board of Canal Commissioners shall be entitled to receive the sum of two hundred dollars annually, besides five dollars per day each, and traveling expenses, for time actually devoted to duties of their office, to be paid out of the State Treasury, upon warrant of the Secretary of State, who is hereby required to audit and allow the same, as well as the salary of the Secretary of the Board.

SEC. 15. The Board shall have authority to engage attorneys in conducting legal proceedings in the interests of the State, and for the maintenance of their authority, and shall certify the said services to the Legislature for payment.

SEC. 16. The Board shall annually certify to the Secretary of State the number of tons of freight and passengers passing through the said Locks, from such dates as he may prescribe, to the end that knowledge of the receipts of the said Locks Company may be authoritatively had.

SEC. 17. The said The Willamette Falls Canal and Locks Company, or the party claiming under them by virtue of assignment, shall certify to the Secretary of State, from such dates as he may prescribe, a detailed and itemized statement of the disbursements and liabilities of the said company, in order that the net receipts of the said company may be ascertained.

SEC. 18. Inasmuch as there is a necessity for accurate records relating to the said Locks, and that the interests of the State of Oregon therein be represented, and as there is now great apprehension in the minds of the people that delays and costs will hinder transportation and passage through said Canal and Locks, and as an immense amount of wheat and other products is now ready to pass to the

seaboard, therefore this Act shall be in full force and effect from and after its approval by the Governor.

Approved October 19, 1876.

AN ACT to provide for the Collection of School District Taxes.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That in every school district of this State, when any district tax is levied in accordance with the school laws of Oregon, the clerk of said district shall, within ten days from the date of said levy, make out the assessment roll of the taxable property within his district, by making an assessment of all the taxable property within his district at the time of making such assessment, and carry out the tax levied thereon, and deliver the same to the directors of said district.

SEC. 2. The directors of said district shall examine said assessment roll, sit as a board to equalize and correct the same, if necessary, and shall approve the assessment roll thus corrected; and the directors shall issue a warrant to the clerk, commanding him to collect said tax, which warrant shall be substantially in the following form:

To —, School Clerk of School District No. —,
County of —,
State of Oregon.

In the name of the State of Oregon:

You are hereby commanded to collect the school tax levied on the — of —, A. D. 187—, in school district No. —, county of —, State of Oregon, as shown by the

assessment roll hereto annexed, and make due return to the directors of said district of your doings thereon, within sixty days from date hereof.

Witness, our hands, this — day of —, A. D. 187—.

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Directors of School District No. —,

County of —,

State of Oregon.

SEC. 3. The clerk of said district shall, on receiving said warrant and assessment roll, forthwith post notices in three public places in said school district, setting forth that said tax is due and payable, where, within said district, the same can be paid, and that the same will be deemed delinquent unless paid within sixty days from the date of the warrant, which shall be the date of the notices.

SEC. 4. The directors shall, upon the return of assessment roll and warrant by the district clerk, within three days thereafter, order the clerk to certify a list of the delinquents, if any, together with the assessment roll, to the County Clerk of the county wherein such district is situated.

SEC. 5. It shall be the duty of the County Clerk, immediately on the receipt of said list of the delinquents and assessment roll as aforesaid, to deliver a transcript of the same to the Sheriff, to which shall be attached a warrant, in the name of the State of Oregon, under his hand and seal of the County Court, commanding the Sheriff to collect the delinquent taxes in said school district, as shown by the list of the delinquents and assessment roll attached.

SEC. 6. The Sheriff shall have the same power under

the warrant of the County Clerk, as provided for in section 5 of this Act, as under any warrant for the purpose of collecting delinquent taxes; and, upon the sale of any property, real or personal, under this Act, he shall proceed in the same manner as upon sale of property, real or personal, for delinquent county or State taxes; and he shall have the same power to execute a deed to said property, or deliver possession of the same to the purchaser, as in all other cases of sale of property for the collection of delinquent taxes. And the Sheriff shall make his return to the County Court within sixty days from the date of the warrant.

SEC. 7. The County Court shall thereupon order the Sheriff to pay over any taxes collected under this warrant to the clerk of the school district from which said list of delinquents and assessment roll was certified. And the Sheriff shall take duplicate receipts from the clerk of said school district, one of which he shall file, with the list of delinquents, assessment roll and warrant thereon, in the County Clerk's office, and the other he shall keep on file in his own office, such receipt to be evidence against the district clerk of the payment of said taxes.

SEC. 8. All Acts or parts of Acts inconsistent with this Act be and the same are hereby repealed.

Approved October 20, 1876.

AN ACT for the relief of Justus Krumbein.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That the sum of seven hundred and thirty-

three and 80-100 dollars be, and the same is hereby appropriated out of the general fund in the Treasury of the State of Oregon, not otherwise appropriated, for the relief of Justus Krumbein, for work and labor performed for the State of Oregon as architect of the State capitol building, and not heretofore paid for.

SEC. 2. Inasmuch as the State of Oregon is justly indebted to said Justus Krumbein, in said sum of seven hundred and thirty-three and 80-100 dollars, and said indebtedness should be paid and immediately discharged, this Act shall take effect and be in force from and after its approval by the Governor.

Approved October 20, 1876.

AN ACT to provide for the appropriation of money to pay bill, with accrued interest thereon, for printing Report of Investigating Commission appointed in pursuance of Senate Joint Resolution No. 27, passed at the Sixth Regular Session of the Legislative Assembly of the State of Oregon, 1870.

WHEREAS, According to report of Mr. U. E. Hicks, Printing Expert, submitted to the Senate on the 9th day of October, 1872, at the seventh regular session of the Legislative Assembly of the State of Oregon, which report appears upon the Senate Journal of that session, page 327, there was found to be due at that date, from State of Oregon, to T. Patterson, as State Printer, the sum of seven hundred and one dollars and seventy-two cents, for printing the report of the Investigating Commission, appointed in pursuance of Senate Joint Resolution No. 27, passed at the sixth regular session of the Legislative Assembly of the State of Oregon, 1870;

AND, WHEREAS, The amount of the aforesaid bill yet remains due and unpaid; therefore

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That there be, and is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of seven hundred and one dollars and seventy-two cents, (\$701 72,) and interest thereon at the rate of six per cent. per annum, amounting in the aggregate to eight hundred and sixty-seven dollars and sixty-nine cents, the same to be paid to T. Patterson, in full liquidation of the above claim, by a warrant drawn by the Secretary of State on the State Treasurer in his favor for such amount.

SEC. 2. Inasmuch as the foregoing claim should be immediately paid, this Act shall take effect from and after its approval by the Governor.

Approved October 20, 1876.

AN ACT imposing certain duties on the Governor of the State.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. The Governor shall offer a standing reward of three hundred dollars for the arrest of each person who shall place, or attempt to place, any obstruction on any railroad track, or who shall misplace any switch on any such road, whereby the life of any person passing over said road may be endangered, and for the arrest of each person engaged in the robbing, or attempting to rob, any

person upon, or having in charge, in whole or in part, any stage coach, wagon, railroad train, or other conveyance, engaged in carrying passengers, or any private conveyance within this State; the reward to be paid to the person making such arrest out of any money not otherwise appropriated, immediately upon the conviction of the person so arrested; but no reward shall be paid except after such conviction.

Approved October 20, 1876.

AN ACT to create Roads of Public Easement.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That whenever it shall appear to the County Court of any county in this State, by the sworn petition of any person, that the residence of such person is not reached by any convenient public road heretofore provided for by law, and that it is necessary that the public and such person shall have ingress to and egress from the residence of such person, the County Court shall, thereupon, appoint three disinterested free-holders of the county as viewers, and cause an order to be issued, directing them to meet at a time therein specified, and not less than ten days from the making of such order, and view out and locate a county road, thirty feet in width, from the residence of such person to some other public road or navigable stream, according to the application, and to assess

damages to be sustained thereby, a copy of which order shall be served upon the persons through whose land said road shall pass, within four days after the making of such order.

SEC. 2. Said viewers shall meet upon the day mentioned in said order, and shall proceed to locate and mark out a public road from some certain point on the premises of the applicant to some certain point upon another public road or navigable stream, so as to do the least damage to the land through which such road is located, and shall assess the damages sustained by the person or persons owning such lands.

SEC. 3. The viewers, or a majority of them, shall make a report to the County Court, at its next regular session, of the public road so located, and the amount of damages assessed by them, if any, and the person or persons entitled to such damage, and if the County Court is satisfied that such report is just, and after payment, by the petitioner, of the costs of locating such road, and the damages assessed by the viewers, the Court shall order such report to be confirmed and declare such road to be a public road, and the same shall be recorded as such, and any person aggrieved by the assessment, may appeal, within twenty days after the confirmation of such report, to the Circuit Court.

SEC. 4. Any person obstructing a public road so located, or refusing to allow the same to be opened, shall forfeit to the county the sum of fifty dollars for each offense, the same to be recovered by an action brought by the County Treasurer for the use of the county.

SEC. 5. Such public roads shall be called roads of public easement, and shall be opened and kept passable by the person applying for the same.

Approved October 20, 1876.

AN ACT to bond the balance of the Modoc War Claims.

WHEREAS, There is still due between four and five thousand dollars for expenses and supplies in the late Modoc war; therefore

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That the same be audited and bonded according to the Act entitled, "An Act to provide for the payment of the claims arising out of the Modoc war," which Act was approved 22d October, 1874, and the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated to pay the same.

Approved October 20, 1876.

AN ACT to legalize Defective Acknowledgments of Conveyances.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That all defective and informal acknowledgments of deeds, powers of attorney, mortgages, or other instruments for the conveyance of land, or any interest therein, made by any person or persons in good faith, whether said acknowledgments were taken by or before any Clerk, deputy Clerk, or Judge of any court of record within this State, or the Territory of Oregon, or any Justice of the Peace or Notary Public of said State or Territory, be and the same are hereby legalized.

SEC. 2. This Act is not intended to interfere with vested rights in lands or premises, arising by adverse title,

acquired in good faith since the date of such defective acknowledgments.

SEC. 3. Inasmuch as many titles are unquiet, owing to informal certifications of officers taking acknowledgments, this Act shall be in force from and after its passage.

Approved October 20, 1876.

AN ACT to provide for a tax to defray the current expenses of the State, and to pay the indebtedness thereof.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That the annual tax hereafter to be levied in this State, to defray the current expenses of the State, shall be four mills on the dollar of all taxable property within the State.

SEC. 2. A tax of three mills on the dollar on all taxable property within the State shall be hereafter levied at the September term of the County Court for the year 1877, and annually thereafter, for the purpose of paying the outstanding warrants of the State.

SEC. 3. The outstanding warrants of the State shall be paid in the order in which they have been endorsed by the State Treasurer "presented and not paid for want of funds," excluding outstanding warrants on the swamp land fund, and any other warrants not contemplated in section 5 of this Act.

SEC. 4. The annual tax of three mills on the dollar, authorized by section 2 of this Act, shall be levied and collected each year until the whole amount of outstanding warrants of the State have been paid, but shall not thereafter be levied or collected.

SEC. 5. And there is hereby appropriated, for the payment of such State warrants as were issued by the Secretary of State on the State Treasurer prior to the second Monday in September, 1874, and which are payable out of the State revenue raised for that purpose, the sum of two hundred and eighty-three thousand four hundred 83-100 dollars, and such further sum as may be necessary to liquidate the interest which has accrued thereon from the date of their presentation to the Treasurer and his endorsement thereon: "Presented and not paid for want of funds." And said warrants shall be paid by the State Treasurer in the order in which they were presented and endorsed "presented and not paid for want of funds;" and whenever there are three thousand dollars or more in the Treasury applicable to the payment of said warrants, as stated in this section, then it shall be the duty of the State Treasurer to advertise in a daily paper of general circulation in this State, and the official paper of the State, that there are funds in the Treasury applicable to the payment of said warrants, and he shall, in that advertisement, state the number of each warrant which he can pay with such funds, and said warrants shall draw interest only up to the date of said advertisement, and no longer. And the Treasurer shall pay said warrants in the same moneys received into the Treasury for the payment of the same, and in equal and just proportions thereof, excluding outstanding warrants drawn on the swamp land fund, and any other warrants not contemplated in section 5 of this Act.

SEC. 6. That Sections 57 and 58 of Title V. of Chapter 57 of the Miscellaneous Laws of the State of Oregon, relating to the levy of taxes, as compiled by Matthew P.

Deady and La Fayette Lane, be and the same are hereby repealed.

SEC. 7. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved October 20, 1876.

AN ACT to provide for the Ordinary Expenses of the State Government, and other General and Specific Appropriations.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That the following sums, and no more, be and the same are hereby specifically appropriated for the several objects hereinafter named, for two years, commencing from the second Monday of September, one thousand eight hundred and seventy-six, to be paid out of any money in the Treasury not otherwise appropriated:

EXECUTIVE FUND.

SEC. 2 For salary of Executive officers.....\$ 16,400 00

JUDICIAL FUND.

SEC 3. For salary of Justices of the Supreme Court, District Attorneys and Supreme Court Clerk.....\$ 36,200 00

GENERAL FUND.

SEC. 4. For salary of Pilot Commissioners, Superintendent of Public Instruction and expenses, Health Officers, Clerk of Board of Pilot Commissioners, expenses of Mute School,

Blind School, Agricultural College, advertising, printing bonds, warrants, stamps, or so much thereof as may be necessary.....\$ 40,000 00

For deficiency in excess of past appropriation for Mute School..... 253 00

Fund deficiency—Salary of Clerk of Pilot Commissioners for two years..... 1,200 00

PENITENTIARY FUND.

SEC. 5. For keeping prisoners, salary of officers and guards, general expenses of the Penitentiary, or so much thereof as may be necessary, and no indebtedness shall be incurred by the Superintendent of the Penitentiary during the next two years\$ 40,000 00

For salary of Prison Inspector, and expenses 600 00

INSANE AND IDIOTIC FUND.

SEC. 6. For keeping insane patients at the Asylum.....\$120,000 00

For salary of Visiting Physician..... 1,000 00

CONVICT FUND.

SEC. 7. For deficiencies in excess of past appropriation\$ 1,027 35
and interest.

For conveying convicts to the Penitentiary 10,000 00

INSANE FUND.

SEC. 8. For deficiencies in excess of past appropriation\$ 6,155 00
and interest.

For conveying insane to the Asylum..... 9,500 00

For returning cured patients to their homes 500 00

 PRINTING FUND.

SEC. 9. For deficiencies in excess of past appropriation\$ 4,039 91
and interest.

For public printing and binding.....\$ 28,000 00

INCIDENTAL FUND.

SEC. 10. For lights, fuel, postage, newspapers, salaries of night watchmen, janitor, and other incidental expenses of Executive, Legislative, State and Treasury departments, Supreme Court and State Library.....\$ 25,000 00

FUGITIVE FUND.

SEC. 11. For deficiencies in excess of past appropriation\$ 494 65
and interest.

For arresting fugitives from justice..... 2,000 00

INDIGENT FUND.

SEC. 12. For support of the non-resident indigent poor in the several counties.....\$ 3,000 00

COMMON SCHOOL FUND.

SEC. 13. For clerical aid, maps, and other expenses incidental to common school lands...\$ 4,000 00

UNIVERSITY FUND.

SEC. 14. For like purposes as school lands..\$ 250 00

STATE LAND FUND.

SEC. 15. For like purposes as school lands..\$ 5,000 00
or so much thereof as may be necessary.

SEC. 16. For volumes four and five of Su-

preme Court Reports, out of the general fund.. 3,000 00

SEC. 17. No money shall be paid out under this Act except upon warrants drawn by the Secretary of State upon the State Treasurer, in the order in which they are presented.

And whenever any money is paid by the State Treasurer upon any warrants drawn under this Act, he shall pay such a proportion thereof, in gold coin, as the whole amount of gold coin received by him into the Treasury bears to the whole amount of money, both gold and silver coin, so received by him into the Treasury, so that each warrant shall receive its ratable proportion of gold and silver coin. And no indebtedness shall be incurred or warrants drawn in excess of the amounts herein specified. Owing to the necessity of maintaining the public credit, this Act shall take effect and be in force from and after its approval by the Governor.

Approved October 20, 1876.

AN ACT to authorize the United States to condemn and appropriate private property for public uses within this State.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That whenever it shall become necessary for the United States to acquire the title to any real property in this State, belonging to any individual or corporation, for the purpose of constructing any canal or locks, or any other public improvement authorized to be made by any Act of Congress, and such property cannot be purchased from the owner for that purpose, it shall be lawful

for any authorized agent of the United States to enter upon, examine and select a quantity of land, fully sufficient in length and breadth for such canal and locks, or other public improvements, and such authorized agent may proceed in the mode prescribed in title III. of chapter 7 of the Miscellaneous Laws of Oregon, to have such property appropriated, and the compensation therefor determined and paid.

SEC. 2. Inasmuch as Congress has authorized the construction of a canal and locks at the Cascades of the Columbia, and it may become necessary to acquire the title to land for the same, this Act shall take effect upon its approval by the Governor.

Approved October 20, 1876.

AN ACT to amend Section 14 of Title I. of Chapter 20 of the Miscellaneous Laws of Oregon, relating to the fees of officers and other persons, as compiled by Matthew P. Deady and Lafayette Lane.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That section 14 of title I. of chapter 20 of the Miscellaneous Laws of Oregon, relating to "the fees of officers and other persons," as compiled by Matthew P. Deady and Lafayette Lane, be amended so as to read as follows:

SEC. 14. Every officer or person whose fees are prescribed in this chapter, who shall be required to travel in order to execute or perform any public duty, in addition to the fees prescribed in this chapter, shall be entitled to mileage at the rate of ten cents per mile, in going to and

returning from the place where the service is performed, except Assessors, who shall not be entitled to mileage.

Approved October 20, 1876.

AN ACT to amend Section 142 and Section 143, Title XV., Chapter 1, of the Code of Civil Procedure of the State of Oregon, relating to Attachments.

Be it enacted by the Legislative Assembly of the State of Oregon :

That section 142 and section 143, title XV., chapter 1, Code of Civil Procedure of the laws of the State of Oregon, are hereby amended so as to read as follows :

Sec. 142. The plaintiff, at the time of issuing the summons, or any time afterwards, may have the property of the defendant attached, as security for the satisfaction of any judgment that may be recovered, unless defendant give security to pay such judgment, as in this chapter provided, in the following cases :

1. In an action upon a contract, express or implied, for the direct payment of money, which contract is made or is payable in this State, and is not secured by mortgage, lien or pledge upon real or personal property; or, if so secured, that such security has been rendered nugatory by the act of the defendant.

2. In an action upon a contract, express or implied, against a defendant not residing in this State.

Be it further enacted, That section 143 be amended so as to read as follows :

Sec. 143. The Clerk of the Court must issue the writ

of attachment upon receiving an affidavit by or on behalf of plaintiff, showing:

1. That the defendant is indebted to the plaintiff (specifying the amount of such indebtedness, over and above all legal set-offs or counter claims) upon a contract, express or implied, for the direct payment of money, and that such contract was made or is payable in this State, and that the payment of the same has not been secured by any mortgage, lien or pledge upon real or personal property; or

2. That the defendant is indebted to the plaintiff (specifying the amount of such indebtedness, as near as may be, over and above all legal set-offs or counter claims), and that the defendant is a non-resident of the State; and

3. That the sum for which the attachment is asked is an actual, bona fide, existing debt, due and owing from the defendant to the plaintiff, and that the attachment is not sought, and the action prosecuted, to hinder, delay or defraud any creditors of the defendant.

Approved October 20, 1876.

AN ACT to attach Tillamook county to the Third Judicial District for judicial purposes, and to provide for the time and place for holding the Circuit Court therein.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That the county of Tillamook, in the State of Oregon, shall be and hereby is attached to the Third Judicial District of the State of Oregon, for judicial purposes.

SEC. 2. That the term of said court shall be held annually on the second Monday of July.

Approved October 20, 1876.

AN ACT to amend Section 54 of Title V of Chapter 1 of the General Laws of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, relating to the serving of Summons.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That section 54 of title V of chapter 1 of the Code of Civil Procedure of the State of Oregon, as compiled by Matthew P. Deady and Lafayette Lane, be amended so as to read as follows:

SEC. 54. The summons shall be served by delivering a copy thereof, together with a copy of the complaint prepared and certified by the plaintiff, his agent or attorney, or by the County Clerk, as follows :

1. If the action be against a private corporation, to the president or other head of the corporation, secretary, cashier, or managing agent, or in case none of the officers of the corporation above named shall reside or have an office in the county where the cause of action arose, then to any clerk or agent of such corporation who may reside or be found in the county, or if no such officer be found, then by leaving a copy thereof at the residence or usual place of abode of such clerk or agent ;

2. If against any county, incorporated town, school district, or other public corporation in this State, to the clerk of such county, incorporated town, school district, or other public corporation ;

3. If against a minor under the age of fourteen years, to such minor personally, and also to his father, mother, or guardian, or if there be none within this State, then to any person having the care or control of such minor, or with whom he resides, or in whose service he is employed.

4. If against a person judicially declared to be of unsound mind or incapable of conducting his own affairs, and for whom a guardian has been appointed, to such guardian, and to the defendant personally;

5. In all other cases, to the defendant personally, or if he be not found, to some person of the family above the age of fourteen years, at the dwelling house or usual place of abode of the defendant.

Approved October 20, 1876.

AN ACT to provide for the payment of the Interest on the Bounty and Relief Bonds of the State of Oregon.

Be it enacted by the Legislative Assembly of the State of Oregon:

SECTION 1. That section 11 of an Act granting bounties to the volunteers of the State of Oregon, approved October 24, 1864, and section 10 of an Act for the relief of the officers and men of the Oregon volunteers, approved October 24, 1864, are hereby repealed.

SEC. 2. There is hereby appropriated from the general fund the sum of two thousand dollars, or so much thereof as may be necessary, for each year, so long as the principal of said bonds may remain unpaid, for the payment of the interest thereon.

SEC. 3. It shall be the duty of the Treasurer of the

State to make arrangements for the payment of the interest of said bonds when the same falls due, and in the event of the insufficiency of the general fund, he is authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest.

SEC. 4. Inasmuch as unnecessary taxes are now being levied, and to protect the credit of the State, this Act shall take effect from its approval by the Governor.

Approved October 20, 1876.

AN ACT to prevent and punish Gambling.

Be it enacted be the Legislative Assembly of the State of Oregon :

SECTION 1. Each and every person who shall deal, play or carry on, open or cause to be opened, or who shall conduct, either as owner, proprietor or employe, whether for hire or not, any game of faro, monte, roulette, rouge et noir, lansquenette, rondo, vingt-un (or twenty-one), poker, draw-poker, brag, bluff, thaw, or any banking or any other game played with cards, dice, or any other device, whether the same be played for money, checks, credits, or any other representative of value, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500), and shall be imprisoned in the county jail until such fine and costs are paid ; *Provided*, That such person so convicted shall be imprisoned one day for every two dollars of such fine and costs ; *And provided further*, That such imprisonment shall not exceed one year.

SEC. 2. All notes, bills, bonds, mortgages, or other securities, or other conveyances, the consideration for which shall be money, or other thing of value, won by playing at any of said games, shall be void and of no effect as between the parties to the same and all other persons, except holders in good faith, without notice of the illegality of such contract or conveyance.

SEC. 3. All persons losing money or any thing of value at or on any of said games, shall have a cause of action to recover from the dealer or player winning the same, or proprietor for whose benefit such game was played or dealt, or such money or thing of value won, twice the amount of the money, or double the value of the thing so lost.

SEC. 4. All persons who shall let or rent any house, room, shop, or other building whatsoever, or any boat, booth, garden or other place, knowing that the same will be used for gambling purposes, or having reason to believe that such building or other place above mentioned will be so used, shall forfeit twice the amount of the rent of such building or other place aforesaid for six months, to be recovered by action at law, instituted by the District Attorney in the name of the State. All contracts for the rent of the rooms, buildings, or places aforesaid, for the purposes aforesaid, shall be void and of no effect between the parties.

SEC. 5. It shall be lawful for any person letting or renting any house, room, shop, or other building whatsoever, or any boat, booth, garden, or other place, which shall, at any time, be used by the lessee or occupant thereof, or any other person, with his knowledge or consent, for gambling purposes, upon discovery thereof, to avoid and ter-

minate such lease or contract of occupancy, and to recover immediate possession of said boat, building or other place above mentioned, by an action at law for that purpose, to be brought before any Justice of the Peace of the county in which such use shall be permitted.

SEC. 6. Any person who shall suffer or permit any of the acts or things forbidden by or made punishable by this Act, to be done or carried on in any house, room or shop, or other building whatsoever, or any boat, booth, garden or other place of which he is the owner, or to the possession of which he is entitled under this Act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500), and be imprisoned in the county jail until such fine is paid at the rate of two dollars per day.

SEC. 7. It shall be the especial duty of each District Attorney, Sheriff, Constable, city or town marshal and police officer, to inform against and diligently prosecute any and all persons whom they shall have reasonable cause to believe guilty of a violation of the provisions of this Act.

SEC. 8. Any officer named in the preceding section, who shall refuse or wilfully neglect to inform against and prosecute offenders against this Act, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine of not less than fifty nor more than five hundred dollars, and the court before which such officer shall be tried, shall declare the office or appointment held by such officer vacant for the balance of his term.

SEC. 9. No person, otherwise competent as a witness under the laws of this State, shall be disqualified from testifying as such concerning the offenses mentioned in this Act, on the ground that his testimony may criminate

himself. Such testimony shall be reduced to writing, and no indictment or prosecution shall afterwards be brought against him for the particular offense concerning which he testified as a witness.

SEC. 10. If any person who shall have been summoned as a witness on the part of the prosecution, shall fail or refuse to attend at the time fixed for trial, without a reasonable excuse, the person so failing or neglecting shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment in the county jail not less than twenty-five days nor more than three months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 11. All fines and forfeitures under the provisions of this Act shall be recovered by an action at law, to be brought in the name of the State of Oregon, and all such fines and forfeitures, except costs, shall be paid into the county treasury and constitute a part of the school fund.

SEC. 12. Chapter nine (IX.), of title two (II), of the General Laws of Oregon, (as compiled under the provisions of an Act approved October 22, 1872), entitled, "An Act to prevent and punish gambling," approved October 28, 1868, is hereby repealed.

SEC. 13. Inasmuch as there is no sufficient law now in force for the prevention and punishment of gambling, this Act shall take effect and be in force from and after its approval by the Governor.

Approved October 20, 1876.

AN ACT requiring Local Agents of the Board of School Land Commissioners to give bonds for the security of Public School Funds in their hands, and requiring reports thereon.

Be it enacted by the Legislative Assembly of the State of Oregon:

SECTION 1. It shall be the duty of every local agent of the Board of Commissioners for the sale of school and university lands and the management of the funds arising therefrom, to execute a bond to the State of Oregon, with not less than three sureties, to be approved by said Board, in the penal sum of not less than one thousand dollars, nor to exceed the sum of ten thousand dollars, as said Board may direct, conditioned that such local agent shall faithfully transact the duties of his office, loan all public school funds in his hands, collect the interest thereon when due, collect and re-loan said funds as required by law and the rules and orders of said Board, and to make monthly reports to said Board of the transactions of his office in manner as required by the same. The sureties required in said bond, before the same is submitted to said Board, shall justify as sureties on bail bond.

SEC. 2. Whenever, after thirty days' written notice from said Board, any County Treasurer, acting as local agent, or any local agent otherwise appointed, shall fail or refuse to execute and deliver to said Board such bond as is hereinbefore required, his office as such local agent shall be deemed and held to be void. And said Board of Commissioners shall have power, and they are hereby authorized, to appoint a suitable person to act as said local agent in his stead, and any local agent failing and refusing to execute said bond as aforesaid, when duly notified, shall, upon the appointment of his successor, forthwith turn over

and deliver to him all books, papers, accounts and moneys belonging to the State and in his hands as such local agent, and in default of which he shall be fined in a sum not less than two hundred dollars nor more than one thousand dollars, said fine to be collected as other fines, and payable into the common school fund.

SEC. 3. It shall be the duty of said local agents, on receiving any moneys belonging to the public funds in his hands as such agent, to make out receipts therefor in duplicate, one to be delivered to the party paying such money, the other to be forthwith transmitted to the Board of School Land Commissioners, for the purpose of forming the basis of proper accounting with such agent.

Approved October 20, 1876.

AN ACT to prescribe the amount of damages in case of injury or destruction of property by persons in the conduct or management of a steamboat or other water craft.

Be it enacted by the Legislative Assembly of the State of Oregon:

SECTION 1. If any person in the control of any steamboat or other water craft shall intentionally or negligently conduct or navigate the same so as to destroy or injure the property of another, such person and his employer shall each be liable in treble damages for the property so injured or destroyed, and such damages shall be a lien on such boat.

Approved October 20, 1876.

AN ACT for the relief of Grant County.

WHEREAS, Previous to September 21st, 1872, the regular term of the Circuit Court of Grant county, according to law, commenced on the second Monday of October; and

WHEREAS, The Legislative Assembly of Oregon, at its seventh regular session, relieved Judge L. L. McArthur from the duty of holding the regular term of said Circuit Court at said time, for reasons stated in the Act to that effect, whereby great expense was caused said county, and an extra expense on account of a special session resulted therefrom, which said expense in the aggregate amounted to the sum of five hundred dollars (\$500); therefore

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That there be and hereby is remitted of the State tax, now due from Grant county, the sum of five hundred dollars (\$500), and the Treasurer of State is hereby authorized to credit the Treasurer of said county by that amount.

Approved October 20, 1876.

AN ACT to authorize and empower the Calapooia Boom Company to construct, maintain and keep a Boom or Booms upon the Calapooia creek, running through the county of Linn, in the State of Oregon.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION I. That the Calapooia Boom Company, duly incorporated under the General Laws of Oregon, their successors and assigns, are hereby authorized and empow-

ered to construct, maintain and keep a boom or booms upon the Calapooia creek, running through the county of Linn, in the State of Oregon, at such points as they may deem advisable, between the mouth of said creek, where the same flows into the Willamette river, and the east line of section 1, in township 14, south range 2 west, Willamette meridian, for the period of ten years; which boom or booms shall be completed on or before January 1, 1878; and in which boom or booms all logs or timber coming, running or being driven down said Calapooia creek, which shall come within [the limits] of such boom or booms, shall be held secure, and sorted, and be delivered by said company to the owner or owners thereof, as soon as practicable after they shall arrive in said boom or booms. And said company are authorized to construct and maintain such works as they may deem essential to the convenience and successful operation of said boom or booms.

SEC. 2. And the said company and their assigns are hereby authorized and empowered, for the purpose of making said boom or booms effective, to extend the part of said boom or booms, or any booms, as occasion may require, along or across the said creek, at any place or places as may be necessary or convenient to catch, hold and secure the logs or timber coming or running down said creek; *Provided, however,* That the privilege to carry on and maintain such booms and works of improvements shall first have been obtained, either by lease or purchase, from the owner or owners of the shore along which, or in front of which, it is proposed to conduct such improvements or booms.

SEC. 3. It is hereby declared to be the object and purpose of this Act to secure, through the said company and

their assigns, the restoration, or the opening, of the channel of said creek, and the maintenance of the same hereafter, free from obstruction, so that timber, logs, lumber and other floatables can be run from the mountains to the valley below.

SEC. 4. The said company and their assigns shall appoint one or more agents, whose duty it shall be to deliver to the owner or owners of each particular mark of logs, or see that they take none but their own particular mark of logs from said boom or booms; and whereof a true and accurate account of its number and mark of logs delivered to each owner or owners by said company, from said boom or booms, shall be kept in a book to be provided by said company, and kept for that purpose, which shall be subject at all times to the inspection of loggers and log owners on said creek. Said book shall at all times be and remain in the possession of, and to be the property of, said company; and the accounts kept in said book shall be evidence of the delivery of said logs, and of the number and marks so delivered, and to whom the same shall have been delivered.

SEC. 5. The said company shall sort out, or let the owners of logs and timber sort them out, according to their several marks; *Provided*, That the said company shall not be obliged to retain any logs or timber in said boom or booms for a longer time than is absolutely necessary to sort said logs or timbers; and who shall use all reasonable care and exertion to secure said logs while being driven through said boom or booms, and delivered to the owners, who shall be on hand to receive the same as they pass through the boom or booms.

SEC. 6. The said company, their successors or as-

signees, shall demand, collect and receive, and are hereby authorized to demand, collect and receive, the sum of one dollar per thousand feet, board measure, for every thousand feet of logs, timber or lumber being run or driven through said boom or booms.

SEC. 7. All the aforesaid charges for booming, sorting and delivering logs or timber, as aforesaid, shall be deemed due, and shall be paid to the said company, or their agent, when the said logs or timber shall be ready for delivery, as aforesaid; and said company and their assigns shall have a complete lien upon, and a special property in, said logs and timber, so boomed and sorted out, for all boomage and charges that may be due to said company and assignees upon said logs or timber, by the respective owners thereof; and the said company and their assignees are authorized and empowered to retain possession of all logs and timber, of any particular mark or marks, for boomage and all other charges that may have accrued on said logs, or any portion of said logs which may have been previously delivered, and to sell the same as hereinafter provided. And each mark shall be liable and responsible to said company and their assignees for all expenses and charges that may have accrued on said marks of logs, or any portion thereof; and logs of such mark, or a sufficient portion thereof, shall be taken by said company and their assignees from year to year, as the same may be received in said boom or booms aforesaid, and sold as hereinafter provided, until all said expenses, demands and charges shall be paid in full to the company or their assignees; *Provided*, That when any sum or sums of money shall have accrued, or become due, to said company for the booming of logs and timber, or other charges aforesaid,

which shall not be paid, on demand, by the owner or owners thereof, after the sums become due, the said company or assignees are hereby authorized and empowered to take and sell, at public auction, after giving thirty days' printed notice, at Albany, Oregon, or any other place designated in said notice, a sufficient quantity of logs or timber, belonging to the said owners, which may be in possession of said company, or may come into their possession thereafter, to pay all charges and demands of whatsoever nature that may have accrued or become due as aforesaid.

SEC. 8. When two or more adverse claimants shall demand from the said company logs of a particular mark or marks, the said company shall retain possession of and secure such logs so claimed in some suitable place until the title thereto shall be finally determined according to law or mutual agreement, and shall sell from time to time such portion thereof as may be necessary to pay all charges for boomage or otherwise which may have accrued or become due according to the provisions of this Act.

SEC. 9. All logs coming into or through said boom or booms, not claimed by the owner or owners thereof, shall be taken by said company and secured in a safe place, and the company, by giving thirty days' notice in three or more public places, proceed and sell the same at public auction, and after deducting all charges and reasonable expenses therefor, shall hold the balance of the proceeds of such sale, subject to the order of the owner or owners thereof.

SEC. 10. All logs, having no mark or marks, known as prize logs, or timber, coming into said boom or booms,

shall be collected by said company and sold at any time, at auction, upon giving thirty days' notice of the time and place of sale, by written or printed notices, posted in two or more places, and the proceeds thereof, after deducting boomage and all reasonable expenses and charges, divided *pro rata* among the owners of logs at the end of the season.

SEC. 11. The said company and their assigns are authorized and permitted to place and hang sheer or trip booms across the entrance of all sloughs upon said creek, and along all places where logs may be liable to run or float out of the main creek during high water.

SEC. 12. The said company shall require of any owner or owners of logs that they shall give at least fifteen days' notice to the company, at their office at Albany, Oregon, when and at what time they intend to make their drive of logs or timber, and also a reasonable notice as to what time they may wish to pass through the boom or booms.

SEC. 13. Any person or persons who shall wilfully break, damage or destroy said boom or booms, shall be responsible to the company in an action at law for the amount of damages, in addition to the penalties already provided by law, and said company shall be liable for any and all damages done by said company or their agents or employes to public or private property on, across or along the banks of said stream, in passing logs or other timber down said stream, or by any other means, such damages to be recovered before any court of competent jurisdiction.

SEC. 14. This Act shall not interfere with or in any wise destroy the vested rights that any person or persons may have at the time of the passage of the same, or in-

terfere with the free navigation of said stream by steam-boats or other water crafts.

SEC. 15. Inasmuch as it is important that operations under the provisions of this Act should be commenced at as early a date as possible, the same shall take effect and be in force from and after its approval by the Governor.

Approved October 20, 1876.

AN ACT to repeal Section 8 of an Act entitled "An Act to provide for the public printing and distribution of the Laws and Journals," approved June 30, 1859, and also an Act amendatory thereof, approved October 29, 1870.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That section 8 of an Act entitled "An Act to provide for the public printing and distribution of the Laws and Journals," approved June 30, 1859, and an Act amendatory thereof, approved October 29, 1870, (being section 8 of chapter 47 of the Miscellaneous Laws of Oregon), be and the same are hereby repealed.

SEC. 2. This Act shall not be construed to repeal that portion of the Act known as the Act of June 30, 1859, fixing the compensation for printing the laws in a newspaper at one hundred dollars.

SEC. 3. Whereas, it is now costing the State a large sum to print the laws in a newspaper, this Act shall take effect from and after its passage.

Approved October 20, 1876.

AN ACT to provide for the Support and Government of the University of Oregon.

WHEREAS, By an Act of the Legislative Assembly, approved October 19, 1872, it was provided that, in order to devote to the purposes of education the 72 sections of land donated to the State for the use and support of a State University, by the Act of Congress of February 14, 1859, a State University having for its design, to provide instruction and complete education in all the departments of science, literature, professional pursuits and general education, be created and permanently located at Eugene; *Provided*, That the Union University Association of Eugene should, on or before January 1, 1874, secure a site for the same, at or in the vicinity of Eugene, and erect thereon, and furnish a building of not a less value than \$50,000, for the use of said University, on a plan to be approved, and after the erection of the same, to be adopted by the board of commissioners for the sale and management of the school and university lands, and for the investment of the funds arising therefrom; and

WHEREAS, By an Act of the Legislative Assembly, approved October 16, 1874, it was provided in effect, that said University Association might have until January 1, 1877, to secure said site, and erect and furnish said building as provided in said Act of October 19, 1872; and

WHEREAS, Said University Association of Eugene have duly provided a site for said University, and erected thereon, on a plan first approved by said board of commissioners, a building for the use thereof, as provided in said Act of October 19, 1872, which site and building was, by said board of commissioners, on July, 1876, duly accepted, and

has since been duly conveyed by said University Association to the board of directors of said University; and

WHEREAS, The Directors of the University aforesaid, did, in pursuance of an Act of October 19, 1872, on August 9, 1876, elect and appoint a president and two professors of said University, and also a principal and assistant teacher of the preparatory department therein, and did also "fix the salaries of said president, professors and teachers, and prescribe the tenure of their offices, the beginning and end of the school year of said University, the studies to be pursued thereat, the admission fees and rates of tuition, together with the qualifications for admission therein;" therefore

Be it enacted by the Legislative Assembly of the State of Oregon:

SECTION 1. That the interest which may hereafter accrue on the fund arising from the sale of the University lands aforesaid, is hereby set apart and perpetually appropriated to the maintenance, use and support of "the University of Oregon;" but until otherwise provided by law, no part of said interest shall be appropriated or expended otherwise than in the payment of the salaries of its president, professors and teachers, and other current expenses; and if at the close of any fiscal year a sum equal to \$500 of said interest shall remain unexpended or unappropriated, after the full payment of such salaries and expenses for said year, the same shall be added to and become a part of the principal of said fund forever; *Provided*, That the regents, the faculty or other officer or officers of the State University shall, in no case, pledge the faith or credit of the University of the State in excess of the interest annually accruing on the university fund, together

with the receipts from tuitions and other sources during the current year.

SEC. 2. The general government, superintendence and direction of said University is hereby vested in a board of regents, to be called "The Regents of the University," which shall consist of nine persons, who shall be citizens and residents of the State of Oregon.

SEC. 3. The regents of the University shall be appointed by the Governor, by and with the advice and consent of the Senate, for the term of twelve years, and until their successors are nominated and confirmed; and all vacancies occurring in said board shall be fill [filled] in the like manner for the remainder of the term, except that a vacancy occurring during a recess of the Senate shall be filled by appointment by the Governor until the adjournment of the next session of the Legislative Assembly.

SEC. 4. The regents shall elect from their number a president of the board, who shall be called the "President of the Board of Regents," whose duty it is to preside at all meetings of the board, to call special meetings of the same upon the written request of any four members thereof, and to perform such other duties as may be provided by law or prescribed by the board; but if said president, for any cause, shall not be present at any meeting of said board, the members present, if a quorum, may elect a president to preside at such meeting, who shall thereupon have the power and perform the duties of "the President of the Board of Regents" during said meeting.

SEC. 5. The regents of the University shall meet annually, at Eugene, on the last Thursday of the school year, which meeting may be adjourned from time to time, to suit the convenience of the regents, and promote the dis-

charge of the duties imposed upon them; but no special meeting of the regents shall be called by the president, except upon a previous written notice to each member of the board, of the time and place of such meeting; and said notices shall be issued by the secretary of the board, upon the direction of the president thereof, to be inserted in the call for said meeting, and filed with the same secretary, and may be served by said secretary by delivering the same personally to each member, or mailing it to his address, at the postoffice nearest his usual place of residence, not less than ten days before the time appointed for said meeting.

SEC. 6. The board of regents shall appoint a secretary and treasurer, who shall keep their offices at Eugene, and hold their places during the pleasure of the board. They shall receive such compensation as the board may prescribe.

SEC. 7. The powers and duties of the secretary shall be as follows: (1), To have the custody of the books, papers and documents belonging to the University; (2), To keep a record of the transactions of the board of regents, the acts and doings of the president of the board and the president of the University; (3), To keep full and accurate accounts of the money and other property of the University; (4), To do such other things as the board of regents may direct; but in the exercise of powers and discharge of his duties, he shall be subject to the direction of said board.

SEC. 8. The powers and duties of the treasurer shall be as follows: (1), To receive, keep and pay out, according to the order of the board, all the money and other property of the University; (2), To keep full and accurate accounts

of all such money and property; (3), To give a bond to the University of Oregon for the faithful performance of his duties, in such an amount, and with such a number of sureties, as the board may prescribe, to be approved by the president of the board.

SEC. 9. The general powers and duties of the board of regents shall be as follows: (1), To control and provide for, subject to the conditions herein made, the custody and occupation of the University grounds and buildings, and the books, papers and documents belonging to the University; (2), To manage, control and apply all property, of whatever nature, which may hereafter be given to, or appropriated for the use, support or benefit of the University, according to the terms and conditions of such gift or appropriation; (3), To appoint and employ a president of the University, and the requisite number of professors, teachers and employes, and to prescribe their compensation and tenure of office or employment; (4), To demand and receive the interest mentioned in section 1 of this Act, and all sums due and accruing to the University for admission and tuition therein, and apply the same, or so much thereof as may be necessary, to the payment of the compensations aforesaid, and the other current expenses of the University; (5), To prescribe a fee for admission into said University, to be applied to the payment of incidental expenses, and the rate of tuition for instruction therein; (6), To supervise the general course of instruction in the University, and to enact rules and by-laws for the government thereof, including the faculty, teachers, students and employes therein; (7), To confer, on the recommendation of the faculty, such degrees as are usually conferred by universities, or as they shall deem appropriate; and, (8), To

prescribe the qualifications for admission into the University.

SEC. 10. At all meetings of the board of regents, five members shall constitute a quorum, but a less number may meet and adjourn from time to time, and the powers and duties of the board may be exercised and performed, during a recess of the same, by a committee thereof, to be called the executive committee, so far as the board may prescribe and direct.

SEC. 11. No political or sectarian test shall ever be allowed or applied in the appointment of regents, professors, teachers or employes of the University, nor shall the majority of the regents be, at any one time, members of any one religious denomination, or be appointed from, or reside within, any one county of the State.

SEC. 12. The regents shall not receive any compensation for their services, but they shall be allowed their actual and necessary expenses in attending the meetings of the Board, to be paid as current expenses of the University.

SEC. 13. At the close of each school year, the president of the board of regents shall make a report to the Governor of the State, showing the transactions of the board, the progress, condition and wants of the University, the number of professors, teachers and students therein, the amount of receipts, disbursements, and such other matters as may be deemed important.

SEC. 14. The president and professors constitute the faculty of the University, and, as such, shall have the immediate government and discipline of it and the students therein; but, in all matters connected with the government and discipline of the preparatory department, the teachers therein shall be heard and consulted. The fac-

ulty shall also have power, subject to the supervision of the board of regents, to prescribe the course of study to be pursued in the University, and the text books to be used.

SEC. 15. The president of the University is also president of the faculty, but, whenever required by the board of regents, he shall perform the duties of a professorship; he is also the executive and governing officer of the school, except as herein otherwise provided; and, subject to the supervision of said board, he has authority to control and give general directions to the practical affairs of the school.

SEC. 16. Each county in this State is entitled to one scholarship in the collegiate department of the University, and an additional scholarship therein for each member and joint member of the Legislative Assembly to which such county may at the time be entitled.

SEC. 17. Applicants for county scholarships must apply in writing for the same, to the county superintendent of common schools, at least one month before the commencement of the school year in which they seek to enter, and such superintendent must receive such applications, and present the same to the County Court of the county when sitting for the transaction of county business, which Court shall, with the aid of said superintendent and such other person or persons as it may see proper to designate for that purpose, examine said applicants at a time appointed by it therefor, and the scholarships to which such county may then be entitled shall be awarded by such court among the applicants found to possess the requisite qualifications, by lot. Whenever a vacancy occurs in a county scholarship during the course of any school year, applica-

tion may be made for it, and the same awarded in the manner provided in this section; reasonable notice being first given of the time when the proceedings will take place.

SEC. 18. A person entering the University upon a county scholarship shall, at the commencement of the term next following such entry, be subject to an examination by the faculty, and if found disqualified by reason of want of educational attainment, physical capacity, or moral character, such person shall be dropped from the roll of students, and the scholarship upon which he or she entered shall thereupon become vacant.

SEC. 19. No person shall be eligible or entitled to the use of a county scholarship in the University unless he or she has been an inhabitant of the county to which it belongs for one year immediately preceding the application therefor, nor unless such person possesses the qualification, educational and otherwise, which the board of regents may prescribe for admission into the collegiate department thereof; nor shall any person who has been convicted of a crime involving moral turpitude, or who is notoriously of bad reputation or evil habits, ever be eligible or entitled to admission into said University upon any such scholarship or otherwise.

SEC. 20. All funds derived from the sale of university lands aforesaid shall be loaned by the board of commissioners aforesaid for periods of not less than three nor more than five years, at a yearly interest of ten per centum, payable semi-annually, in January and July, in the same kind of currency as the loan was made; but no loan of such funds shall be made except upon the promissory note of the borrower, secured by a mortgage upon unencumbered real property, which property, exclusive of im-

provements, shall be of three times the cash value of the sum so loaned ; and every such note shall contain a stipulation to the effect that in case default is made in the payment of the same, or any installment of interest due thereon, the maker thereof will pay a reasonable attorney fee for foreclosing said mortgage, the amount of which fee shall be fixed by the court wherein said foreclosure takes place, and be taxed and recovered as a part of the costs and expenses of the suit.

SEC. 21. Each Justice of the Supreme Court shall appoint, in each county within his district, a person to receive applications within such county for the loan of university funds and the valuation of the lands offered as security therefor, who shall be styled "The University Fund Commissioner" for said county; and such Justice shall have power to remove any such commissioner for good cause, and to fill any vacancy which may occur in such office in any county in his district.

SEC. 22. An application for a loan of the University funds must be made in writing, stating therein the amount and time of the proposed loan, and the property offered as security therefor, to the commissioner of the county wherein such property is situated; whereupon, it is the duty of such commissioner to ascertain the cash value of the premises and the interest of the applicant therein, and make a certificate of the same, verified by his own oath, and forward such certificate by mail to the board of commissioners aforesaid, who, if it appears from said certificate that the interest of the applicant in the property is worth, exclusive of improvements, three times the sum applied for, may make the loan, but not otherwise.

SEC. 23. An application for a loan of University funds

must be accompanied with a fee of \$10 for the first thousand or fraction of a thousand dollars applied for, and \$5 for the second thousand, or fraction thereof, and \$2 50 for each thousand or fraction thereof over and above that amount, as a compensation for the services of the University Fund Commissioner, who is entitled to receive and retain the same, whether the application be allowed or not.

SEC. 24. Each University Fund Commissioner shall keep a memorandum of all applications for loans, and of his action thereon, in a suitable book; which memorandum shall be preserved by him and delivered to his successor. The words "cash value," as used in this Act, must be construed to mean the value or amount which the property offered as a security for a loan would bring at sale upon an execution.

SEC. 25. The Act of October 19, 1872, aforesaid and the Act of October 16, 1874, amendatory of said Act, and section 10 of the Act of October 28, 1868, entitled "An Act to regulate the sale of school lands, university lands, and to provide for the management of the funds arising therefrom," be and the same are hereby repealed; but the repeal of said Acts shall in no wise affect the location and organization of said University under the same, as set forth, recited and referred to in the preamble hereto, and the same are hereby confirmed and continued, subject to the provisions of this Act; nor shall such repeal, or the passage of this Act, in anywise affect the appointments heretofore made of members of the board of directors of said University in pursuance of said Acts, but the persons so appointed shall continue in office, according to the terms and classification of their several appointments, as a board of

regents, under this Act, and subject to all the provisions thereof; *Provided*, That the three places in said board now filled by the appointees of the "Union University Association" aforesaid shall, at the expiration of the terms of the present incumbents, or upon the happening of any vacancy therein, be filled in the manner and for the term provided in this Act for the office of regent of the University.

SEC. 26. For the purpose of completing and furnishing said University building, and enlarging the site so as not to exceed fifty acres, and enclosing and improving the grounds thereof, there is hereby appropriated the sum of ten thousand dollars per annum for the term of two years, ending September 1st, 1878, or so much thereof as may be necessary, which shall be set apart by the Treasurer of State out of the general fund, to be designated the University building fund, which shall constitute a separate fund to be expended by and under the supervision of the said board of regents, for the purpose aforesaid; and all liabilities contracted by virtue of this section shall be paid to the person entitled thereto only on the warrant of the Secretary of State, to be drawn upon presentation of the certified statement, under the hands of the president and secretary of said board of regents, that the amount claimed is justly due.

Approved October 21, 1876.

AN ACT to amend Section 17 of Title III. of Chapter 57 of the Miscellaneous Laws of the State of Oregon, as compiled by Matthew P Deady and La Fayette Lane.

Be it enacted by the Legislative Assembly of the State of Oregon:

SECTION 1. That section 17 of title iii. of chapter 57 be amended so as to read as follows:

SEC. 17. That all personal property, not exempt from taxation, shall be valued at its true value in cash, and it shall be the duty of each assessor to value all improvements on claimed land within his county as personal property; *Provided*, That sea going vessels, registered or enrolled in this State, shall not be assessed at any greater ratio than the same class of property is assessed in the port of San Francisco, California, and the County Court of each county shall prescribe the ratio of such taxation.

SECTION 2. That all Acts or parts of Acts in conflict with this Act is [are] hereby repealed,

Approved October 21, 1876.

AN ACT to provide for the Maintenance and Regulation of the Oregon Institute for the Blind.

Be it enacted by the Legislative Assembly of the State of Oregon:

SECTION 1. The sum of eight thousand dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, to provide for the maintenance of the Oregon Institute for the Blind.

SEC. 2. The State Board of Education are hereby constituted the board of trustees of said Institute, and it shall be their duty as such trustees to take charge of the funds of the Institute, to provide for the proper care of the pupils, to appoint all officers and teachers, and define the duties of the same, to fix and regulate the salaries of all persons employed by them, and to make a full statement of the expenses, management and condition of the Institute, at each regular session of the Legislative Assembly.

SEC. 3. All blind persons who are residents of this State, of sound mind and in good health, shall be entitled to free education at the Institute for a period of not more than two years, and the board shall further have authority to allow pupils, for special reasons, to remain for a longer period than two years. Blind persons, not residents of this State, who are of sound mind and in good health, may be received as pupils, on the payment of two hundred and fifty dollars, gold coin, annually, in advance.

SEC. 4. Inasmuch as there is need of an immediate appropriation for the maintenance of the Institute, this Act shall take effect and be in force from and after its approval by the Governor.

Approved October 21, 1876.

AN ACT to authorize Jacob Fleischner to establish Water Works in the City of Albany, Linn County, State of Oregon.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That Jacob Fleischner, of Linn county, State of Oregon, his heirs, administrators, executors or as-

signs, he and they are hereby authorized and empowered to commence, within two years after this Act becomes a law, and within the corporate limits of the city of Albany aforesaid, the erection and establishment of water works, for the supplying of water, together with all the necessary buildings, machinery, apparatus and fixtures, and under reasonable and proper direction of the authorities of the said city, to lay water pipes and extend the service of the same throughout the present and future corporate limits of said city. Said water works shall be located on a suitable site, to be selected by said Fleischner, his heirs, executors, administrators or assigns, in connection with the corporate authorities of said city.

SEC. 2. That the said Jacob Fleischner, his heirs, executors, administrators or assigns, shall have the right to lay and extend water pipes and apparatus for the conveyance of water throughout the present and future corporate limits of the said city, and he or they shall, with as little delay as possible, repair all damages done to the streets, alleys and public places thereof, and leave them in as good condition as they were previous to the laying of the said pipes and apparatus and all fixtures thereto.

SEC. 3. That the said Jacob Fleischner, his heirs, executors, administrators or assigns, after the erection of the said water works and the laying of the pipes, apparatus and fixtures appertaining thereto, as herein provided, shall provide with water the public watering places erected, provided and maintained by the said city, and the places for that purpose erected and maintained in the public buildings of the same, and other places properly prepared and maintained by the said city for the reception of water to extinguish fires, at a fixed rate or price, to be agreed upon by the parties from time to time.

SEC. 4. That the said Jacob Fleischner, his heirs, executors, administrators or assigns shall furnish and supply water to other persons, societies, corporations or companies, upon such terms and conditions as may be agreed upon between them.

SEC. 5. The Legislative Assembly of this State shall have power to alter, amend or repeal this Act whenever it shall satisfactorily appear that the said Jacob Fleischner, his heirs, executors, administrators or assigns, have violated any of the provisions of this Act.

Approved October 21, 1876.

AN ACT to amend Section 579 of Title I. of Chapter 7 of the Code of Civil Procedure of the State of Oregon, relating to the Writ of Review.

Be it enacted by the Legislative Assembly of the State of Oregon:

SECTION 1. That section 579 of title i. of chapter 7 of the Code of Civil Procedure of the State of Oregon, relating to the writ of review, be amended so as to read as follows:

SEC. 579. Upon the filing of the order allowing the writ, and the petition and undertaking of the plaintiff, the Clerk shall issue the writ, according to the direction of the order. The writ shall be served by delivering the original, according to the direction thereof, and may be served by any officer or person authorized to serve a summons; and a certified copy of the writ shall be served by delivery to the opposite party in the suit or proceeding sought

to be reviewed, at least ten days before the return of the original writ.

Approved October 21, 1876.

AN ACT to authorize the City of Salem to incur an indebtedness of fifty thousand dollars for the purpose of building a bridge across the Willamette River.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That for the purpose of building a bridge across the Willamette river, commencing at a point on the east shore of said river, within the limits of the city of Salem, to a point on the opposite shore of said river, in Polk county, the said city of Salem may incur an indebtedness not exceeding in the aggregate the sum of fifty thousand dollars, over and above the amount of indebtedness, limited in section 18 of an Act entitled "An Act to incorporate the City of Salem," approved October, 1862, as amended by an Act entitled an Act to amend an Act to incorporate the city of Salem, approved October 26, 1872, and any indebtedness over and above the sum of fifty thousand dollars, for the purpose named in this section, is null and void and of no effect; *Provided*, That whenever the common council shall contemplate incurring any indebtedness, and before any indebtedness shall be incurred, under the provisions of this section, they shall cause to be submitted to the voters of the city of Salem, at a city election held under the provisions of the city charter, and subsequently at any city election thereafter, an estimate of the amount of indebtedness proposed to be incurred, and

the object for which it is intended, and if at such city election two-thirds of the votes cast shall be in favor of incurring the indebtedness for the proposed work, then such indebtedness, to the amount of the estimated cost, as submitted to the voters, may be incurred, and not otherwise; *And further provided*, That all bonds issued for indebtedness incurred under the provisions of this section shall be made payable for a period of not less than fifteen years.

Approved October 21, 1876.

AN ACT to prescribe and punish a crime against the person in a willful or negligent injury, caused by a person in control or management of a steamboat or other water craft.

Be it enacted by the Legislative Assembly of the State of Oregon:

SECTION 1. If any person or persons in control or management of a steamboat or other water craft, shall willfully or negligently so conduct or manage said steamboat as to injure or destroy the property of another, thereby endangering human life, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one and not exceeding five years, or by fine of not less than five hundred and not exceeding one thousand dollars, or both.

Approved October 21, 1876.

AN ACT to amend Sections 1 and 5 of Chapter 57 of Title I. of the Miscellaneous Laws of the State of Oregon, relating to property and polls subject to assessment and taxation.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That sections 1 and 5 of chapter 57 of title i. of the Miscellaneous Laws of the State of Oregon, relating to property and polls subject to assessment and taxation, be amended so as to read as follows:

SEC. 1. That all taxes for the support of the government of this State shall be assessed on property in equal and ratable proportion, and all property, real and personal, within this State, not expressly exempted therefrom, shall be subject to taxation in the manner provided by law.

SEC. 5. A poll tax of one dollar shall be assessed upon every male inhabitant of this State between the ages of twenty-one and fifty years, except all active or exempt firemen who have been members of any company for a period of one year preceding the assessment of taxes, which tax shall be collected and used for county purposes.

Approved October 21, 1876.

AN ACT to amend an Act entitled an Act to amend an Act to provide for the sale of Tide and Overflowed Lands on the Sea-shore and Coast.

Be it enacted by the Legislative Assembly of the State of Oregon :

That section 1 of an Act entitled an Act to provide for the sale of tide and overflowed lands on the sea-shore and

coast, approved October 26, 1874, be amended so as to read as follows:

SECTION 1. That the owner or owners of any land abutting or fronting upon, or bounded by the shore of the Pacific Ocean, or of any bay, harbor or inlet of the same, and rivers and their bays, in which the tide ebbs and flows, within this State, shall have the right to purchase all the tide lands belonging to this State in front of the lands so owned; *Provided*, That if valuable improvements have been made upon any of the tide lands of this State before the title to the lands on the shore shall have passed from the United States, the owner of such improvements shall have the exclusive right to purchase the lands so improved, extending to low water mark, for a period of three years from the approval of the Act to which this is amendatory; *Provided further*, That the Willamette, Coquille and Coos rivers shall not be deemed rivers in which the tide ebbs and flows within the meaning of this Act, or of the Act to which this Act is amendatory; and the title of this State to any tide or overflowed lands upon said Willamette, Coquille, Coos and Umpqua rivers is hereby granted and confirmed to the owners of the adjacent lands, or when any such tide or overflowed lands have been sold, then in that case, to the purchaser or purchasers of such tide or overflowed lands from such owner of such adjacent lands, or some previous owner thereof, as the case may be.

Approved October 21, 1876.

AN ACT to provide for the construction of Locks on the Yamhill River, at Lafayette, Yamhill County, Oregon, and to regulate tolls thereat.

WHEREAS, The Yamhill Locks and Manufacturing Com-

pany was duly incorporated under the laws of Oregon, by articles of incorporation, filed in the office of Secretary of State on the 16th day of October, 1876, for the construction of locks at Lafayette, Yamhill county, Oregon, on the Yamhill river, for the purpose of creating a water power for manufacturing purposes, and

WHEREAS, Steamboats do not run above Lafayette more than three or four weeks in the year, on account of rapids at that point; therefore

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That the Yamhill Locks and Manufacturing Company be authorized to construct locks at Lafayette, Oregon, on the Yamhill river, to create a water power, in such a way or manner as not to interfere with the navigation of said river at any time that it can be navigated.

SEC. 2. The Yamhill Locks and Manufacturing Company may also construct locks, and otherwise improve the navigation of said river for the passage of steamboats and other water craft over the rapids at that place during the season of the year such boats cannot otherwise pass over them, receiving no compensation or aid whatever from the State of Oregon.

SEC. 3. The Yamhill Locks and Manufacturing Company may, as a remuneration for the constructing, keeping in repair and attending to said locks, charge as toll the sum of five cents per ton for registered tonnage and twenty cents per ton for actual freight on board, and five cents for each passenger on board of any steamboat or other water craft that they may pass through said locks up and down, and they shall pass through said locks each and

every boat or other water craft in the order that they arrive, with as little delay as possible.

SEC. 4. Or the Yamhill Locks and Manufacturing Company may construct a dam or locks to raise the water above and over the rapids, so that boats may navigate above said rapids, and charge the sum of twenty-five cents per ton for transferring freight from one boat to another over or around said locks, whenever the water is high enough in the Yamhill river for steamboats and other water craft to pass over said rapids. Said Lock Company shall not obstruct or hinder the passage of any steamboat or other water craft over said rapids, or collect toll for such passage, and in case said Lock Company see fit to use their locks for the passage of boats or other water craft when the water is high enough for them to pass without the aid of said locks, said Lock Company shall make no charge for such or any such passage.

SEC. 5. The State of Oregon or the U. S. Government shall have the right to purchase said locks at any time they may see fit to do so, the price to be paid therefor to be determined by a board of appraisers, appointed by any subsequent session of the Legislature, but the right to purchase the water power or manufacturing privileges, or interfere therewith, shall not be given without the consent of the owners thereof.

SEC. 6. The county judge and commissioners of Yamhill county shall decide at what times and seasons of the year that the said locks are necessary for the passage of steamboats and other water craft, or the transfer of freight over said rapids, when called upon by the proper representatives of any steamboat or transportation company navigating the Yamhill river, and they shall receive for such ser-

vices the same per diem and mileage as for their ordinary official duties, payable out of the county funds of Yamhill county.

SEC. 7. Sections 2, 3, 4 and 6 of this Act shall remain in force for twenty years only.

This Act to take effect and be in full force from and after its approval by the Governor.

Approved October 21, 1876.

AN ACT to amend Section 30, in Title III. of Chapter 1 of Code of Civil Procedure, General Laws, as compiled by Matthew P. Deady and La Fayette Lane.

Be it enacted by the Legislative Assembly of the State of Oregon:

SECTION 1. That section 30, in title iii. of chapter 1 of Code of Civil Procedure, as compiled by Matthew P. Deady and La Fayette Lane, be amended so as to read as follows:

SEC. 30. When a married woman is a party, her husband shall be joined with her, except that,

1. When the action affects her separate property, or when the cause of action is for a wrong committed against her person or character, or is for wages due for her personal services, she may sue or be sued alone.

2. When the action is between herself and her husband, she may sue or be sued alone, and in no case need she prosecute or defend by a guardian or next friend.

Approved October 21, 1876.

AN ACT to amend Chapter 36 of the Miscellaneous Laws of the Code of 1872, as compiled by La Fayette Lane and Matthew P. Deady.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That section 36 of chapter 36 of the Miscellaneous Laws of the Code of 1872 is hereby repealed, and that section 71 is hereby amended to read as follows :

SEC. 71. That the military fund created by this Act shall be used exclusively for military purposes, and expended under the board of military auditors, in such manner as may be deemed conducive to the advancement of military science and efficiency of the military of the State, in the purchase and distribution among organized companies of arms and accoutrements for the use of the State.

SEC. 2. Inasmuch as there is urgent need of retrenching the expenses of the State, this Act shall take effect and be in force from and after its approval by the Governor.

Approved October 21, 1876.

AN ACT to provide for the Education of Deaf Mutes.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That the State Board of Education is hereby made and constituted a board of trustees for the education of deaf mutes, residents of this State, and shall have power, and it is hereby made the duty of said board of trustees, to employ a speaking teacher, who shall be the

principal, shall arrange the classes in their proper order, correspond with the patrons of the school on all matters of business, and have general supervision of the pupils during school hours, reporting to the said board monthly, and shall teach at least (4) four hours daily, Saturday and Sunday excepted. For his services he shall receive a salary not to exceed (\$1,000) one thousand dollars per annum.

SEC. 2. The aforesaid board of trustees shall, by and with the consent of the principal, employ an assistant teacher, whose duty shall be to assist the principal in teaching and preserving order during school hours, and who shall teach at least six hours daily, Saturday and Sunday excepted. For his services, shall receive a salary not to exceed four hundred dollars per annum.

SEC. 3. The aforesaid board of trustees shall employ a matron, or house-keeper, who shall, at all times, have full and complete control of the house, except the school rooms when in actual use by the teachers. She shall prepare the food for the pupils, do or see their washing done, attend their dormitories and have general supervision of the pupils, except during school hours; *Provided, however,* That she may at all times call upon the teachers to assist her in the government of the pupils, if needed, and whose salary shall be regulated by the board of trustees; *Provided further,* That said board of trustees may lease said school, as to board, when it can do so on terms more economical to the State.

SEC. 4. The said board of trustees shall furnish the necessary building and all necessary supplies, and file with the Secretary of State a full and complete statement of the expenses of the institution as often as once every three months.

SEC. 5. Said board may prescribe what branches of education shall be taught at said school, and when, in their judgment, any pupil shall have been thoroughly instructed in said branches, may order that he be no longer admitted to said school.

SEC. 6. All deaf mutes, residents of this State, who are of sound mind and in good health, may have the benefits of this school, on condition that their parents, friends, or guardians furnish all necessary books, clothing and bedding. Deaf mutes, of like character, not residents of this State, may be admitted on such terms as the trustees shall prescribe, consulting the best interests of the school and pupils.

SEC. 7. The regular session of the school shall begin on the first Monday in September, and close on the first Friday in May in each year.

SEC. 8. Tuition in said school shall be free to all the deaf mutes of the State, and board and lodging shall be furnished free to all such deaf mutes, whose parents, in the opinion of said board of trustees, have not the means to pay for such board and lodging. But children of parents who are able to pay for such board and lodging shall only be admitted upon payment of such sum as may be just, to be fixed by said board, for such board and lodging. Supplies, as far as practicable, shall be advertised for by said board in such manner as to secure them at the least cost to the State.

SEC. 9. The sum of twelve thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, for the maintenance of the Deaf Mute School as set forth in this Act.

SEC. 10. Inasmuch as there is at present no law pro-

viding for the education of the deaf mutes in this State, this Act shall take effect and be in force from and after its approval by the Governor.

Approved October 21, 1876.

AN ACT supplemental to an Act entitled an Act for the construction of a Wagon Road up the South bank of the Columbia River, from near the mouth of Sandy, in Multnomah County, to The Dalles, in Wasco County.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That, whereas, a wagon road has been surveyed and established upon the south bank of the Columbia river, from near the mouth of Sandy, in the county of Multnomah, to The Dalles, in the county of Wasco, by the board of commissioners appointed in pursuance of the Act of the Legislative Assembly of the State of Oregon, approved October 23, 1872, entitled an Act for the construction of a wagon road up the south bank of the Columbia river, from near the mouth of Sandy, in Multnomah county, to The Dalles, in Wasco county; and, whereas, certain portions of said surveyed route have been varied from in the construction of said road by the said board of commissioners, with the view of lessening the cost of the construction of the road, and without injuring the same for public travel, the said changes and variations are hereby legalized, and the same shall hereafter be and remain a county road, as provided in said Act, to which this Act is a supplement. The said board of commissioners shall have power to make such further changes in the remaining portion of said road, when, in their judgment, a more practicable

route can be had; *Provided*, Such changes shall not prejudice any claim for damages to private property nor change the general route of said road.

SEC. 2. That the acts of said board of commissioners of the Dalles and Sandy Wagon Road, when performed by a majority of the board, in pursuance of law and in the speedy construction of said road, are hereby legalized, and shall have the same effect as though done by a full board.

SEC. 3. That for the completion of the said Dalles and Sandy Wagon Road, there be and hereby is appropriated the further sum of fifty thousand dollars, in gold or silver coin, to be paid out of the funds arising from the five per centum of the net proceeds of the sale of public lands in Oregon, not otherwise appropriated, and out of the fund arising from the sale of swamp, overflowed and tide lands belonging to this State, not otherwise appropriated, and which appropriation, in this section provided for, shall be expended by the board of commissioners of the Dalles and Sandy Wagon Road as hereinafter prescribed; *Provided, however*, The warrants hereafter issued for the completion of said road shall be received by the State of Oregon, together with any interest accruing thereon, at their face, in payment for any of the swamp, overflowed or tide lands belonging to the State of Oregon.

SEC. 4. Said commissioners may employ a competent engineer, who shall, under their directions, lay off that part of said road remaining uncompleted at the passage of this Act, into convenient sections, with not more than five miles in any one section, and prepare specifications of the labor to be done on each section, the width of the road-bed, rise and slope of the grades thereon, depth of cuts, the width to which each side of the road-bed shall be

cleared of standing timber, and all other labor necessary to make a good wagon road. Said board shall then advertise for sealed bids for the construction of a stated number of said sections, according to the specifications prepared as herein set forth. Said sections advertised at any one time, taken together, shall not exceed twenty-five miles in length. Such advertisement shall state the place where such bids will be received, where the specifications are to be kept for inspection, the time and place where the contracts will be let for the construction of such sections; that the contracts will be awarded to the lowest responsible bidders, and the time within which the same shall be completed; that bids will be received for the construction of each section separately, and for the whole number aggregately; and shall be published at least once a week for six weeks, consecutively, in two newspapers, one published in Wasco county and the other in Multnomah county. At the time stated in such advertisement, all bids shall be opened publicly by the board of commissioners, and the contracts for the construction of said sections shall be let to the lowest responsible bidder or bidders, as the case may be. Contracts shall be let from time to time in the manner above provided until said road is completed, or the funds herein appropriated are exhausted. But no two lettings shall take place within three months of each other.

SEC. 5. The chairman of said board of commissioners shall, immediately on the awarding of contracts for the construction of any section or sections of said road, file his requisition, accompanied by statement of the amounts to be paid on such contracts on the completion of the same, with the Secretary of State for such amounts in warrants deemed by said chairman necessary to enable said board

to discharge their obligations on such contracts, and to the engineer for making such specifications; and the Secretary of State, on the presentation of such requisition, shall draw warrants for the amount stated on the requisition in favor of said chairman, on the State Treasurer, to be paid out of the funds mentioned in section 3 of this Act, which warrants shall draw interest at the rate of ten per cent. per annum from the date of presentation, and be receivable in payment of swamp, tide and overflowed lands, as hereinbefore provided. The said chairman shall pay to the contractors for the construction of said road, from the amount realized for said warrants, the several sums due them as fast as the sections of said road are completed and accepted by such board of commissioners; *Provided*, That said warrants be advertised for the same length of time and in the same manner as provided for in the letting of contracts, in section 4 of this Act, and the person or persons offering the highest bid shall have the right to purchase said warrants offered; *Provided further*, That no bonds shall sell for a less sum than fifty cents on the dollar.

SEC. 6. The chairman of said board of commissioners shall, in addition to the bond required by the Act to which this Act is supplementary, enter into an undertaking in the sum of \$20,000, with sufficient sureties, to the State of Oregon, to be approved by the Governor, conditional that he will faithfully disburse and account for all funds received by him, and faithfully and honestly discharge his trust under the provisions of this Act.

Approved October 21, 1876.

AN ACT to repeal an Act entitled "An Act to provide for the construction of a State Capitol Building," approved October 10, 1872.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That the Act entitled "An Act to provide for the construction of a State capitol building," approved October 10, 1872, be and the same is hereby repealed.

SEC. 2. It shall be the duty of the board of capitol commissioners to turn over all books, papers, plans, specifications, contracts, and all other matters pertaining to their office, to the Secretary of State, whose duty it shall be to preserve the same.

SEC. 3. Inasmuch as the appropriation for the construction of the capitol building is exhausted, and the expenses of the board is considerable to the State, therefore this Act shall take effect from its approval by the Governor.

Approved October 21, 1876.

SPECIAL LAWS
OF THE
STATE OF OREGON,
ENACTED BY THE
LEGISLATIVE ASSEMBLY,
AT THE
NINTH REGULAR SESSION,
1876.



SALEM, OREGON:
MART. V. BROWN, STATE PRINTER.
1876.

SPECIAL LAWS.

AN ACT to incorporate the Town of Brownsville, in Linn County, Oregon.

Be it enacted by the Legislative Assembly of the State of Oregon:

SECTION 1. That the inhabitants of Brownsville, Linn county, Oregon, and their successors, within the bounds hereinafter prescribed, are hereby established and declared a body corporate, under the name and style of Brownsville, and as such, shall have the right to sue and be sued, implead and be impleaded, defend and [be]defended, in any of the courts of this State, to hold real and personal property, to sell, lease, use or otherwise dispose of the same for the common benefit, to borrow and loan money, to have and use a seal, and alter the same at pleasure.

SEC. 2. The corporate limits of said town of Brownsville shall be as follows, to-wit: Commencing at the centre of the bridge across the Calapooia river, between Brownsville and North Brownsville, running thence with the centre of the main channel of said river, at low water mark, to the west line of the old A. Kirk donation claim; thence with the west line of said claim south to the southwest corner of the land of Albert Butts; thence due east to the east line of James Blakely's donation claim; thence due north to the centre of the main channel of the Calapooia river; thence down said river with the centre of the same, at low water mark, to the place of beginning.

SEC. 3. The officers of said corporation shall be a president of the council, four councilmen, a recorder, a marshal and a treasurer, who shall be elected annually, and shall hold their office for one year, or until their successors are elected and qualified.

SEC. 4. Said officers shall be elected annually by the qualified voters of said corporation, on the third Monday of December of each year.

SEC. 5. The president of the council shall have power to call meetings of the council, shall preside at their meetings, and, when there is a tie in the council, shall vote. He shall sign all ordinances, and all warrants on the treasurer, or warrants for the collection of town taxes. He shall make a yearly report of the condition, financial and otherwise, of the town, and shall recommend such measures for the peace, health and prosperity of the town as he may deem expedient.

SEC. 6. The president and councilmen shall perform such other duties as may be hereinafter provided, and, before entering upon the duties of their office shall file with the recorder an oath to well and truly perform the duties required of them by this charter.

SEC. 7. It shall be the duty of the council of Brownsville to devise and adopt all such measures, regulations and ordinances, connected with the police, security, tranquillity, cleanliness, improvement and ornament of the town, and the public health, prosperity and welfare, and the regulation of the finances and public expenses of the town, as shall be expedient from time to time, and in accordance with this Act, the laws of this State and of the United States.

SEC. 8. The recorder shall have all the power and

jurisdiction of a justice of the peace, in all civil and criminal matters, and in all proceedings, whether civil or criminal, shall be governed by the laws relating to justices of the peace in this State. He shall also have original and exclusive jurisdiction over all violations of town ordinances and regulations, may examine, hold to bail, fine, or commit persons found guilty thereof. He shall be ex-officio clerk of the council, shall preside in the absence of the president, and shall keep a journal of the proceedings of the council; he shall also be town assessor, and his duties as assessor and clerk, and fees therefor, shall be prescribed by the council.

SEC. 9. The marshal, in addition to the duties prescribed to him by the council, shall execute and return all processes issued to him by the recorder, or by any legal authority; he shall be a conservator of the peace, and shall arrest all persons guilty of a breach thereof, or the violation of any town ordinance, and take them before the town recorder for trial, and may, as collector, enforce the collection of town taxes, as the collection of county taxes is enforced. He shall attend all meetings of the council, and perform such other duties as the council may require.

SEC. 10. The treasurer shall receive and disburse all moneys coming into his hands; he shall pay no orders unless they are signed by the president and recorder; he shall make a quarterly report of the town finances to the council, and shall perform such other duties as the council may require.

SEC. 11. The recorder, marshal and treasurer shall each give a bond in the sum of five hundred dollars, to be approved by the council, for the faithful performance of their duties, which amount may at any time be increased by order of the council.

SEC. 12. The president, councilmen and treasurer shall receive no pay for their services, and they shall not be directly or indirectly interested in the proceeds of any contract to be paid for out of the town treasury.

SEC. 13. The recorder shall be entitled to the same fees as are now allowed by law to justices of the peace, and the marshal to the same as are now allowed by law to constables.

SEC. 14. The said corporation shall not create any debts or liabilities which, in the aggregate, shall exceed the sum of two hundred and fifty dollars.

SEC. 15. The council shall hold at least one meeting each month, and a majority shall constitute a quorum to do business.

SEC. 16. Within three days after the passage of an ordinance, copies of the same shall be posted in three public places within the corporate limits of said town, and all such ordinances shall take effect within five days after such notices, unless otherwise ordered.

SEC. 17. If any person, who may be elected or appointed to any office under this Act, shall remove from the town, or absent himself therefrom for thirty days or more, without leave of the council, or shall fail to qualify within ten days after his election, the office which he held, or to which he may have been elected, shall be deemed vacant.

SEC. 18. The council shall have power and authority, within the corporate limits,—

1. To make laws and ordinances, not in conflict with the laws of the State or of the United States, and all necessary provisions for carrying them into effect;

2. To assess and collect taxes, not to exceed two and

one-half mills per annum, upon the taxable property within the corporate limits;

3. To prevent and remove nuisances;

4. To license, tax, regulate, restrain or suppress bar-rooms, tippling houses, and all places where spirituous or malt liquors are sold, billiard saloons, bowling alleys, theatricals and other exhibitions, shows and public amusements, and to suppress bawdy houses, gaming and gambling houses; *Provided*, that no law or part thereof authorizing any tribunal or officer of Linn county to grant tavern or grocery licenses shall apply to persons vending liquor within the corporate limits of the town of Brownsville;

5. To establish and regulate a police and night watch, to impose fines, forfeitures and penalties, and collect and appropriate the same; *Provided*, no fine or penalty shall exceed the sum of two hundred dollars, or imprisonment in the county jail or town jail more than sixty days; *and Provided further*, that the council shall have the power and authority to pass an ordinance requiring all fines legally assessed, and not paid at once, to be worked out on the streets, within the limits of said corporation, at the rate of two dollars per day;

6. To erect, establish and keep in repair a town jail;

7. To provide for the construction, cleaning and repairing of side-walks and cross-walks, adjacent to real property, by the owners thereof, or by the corporation, and also for making, cleaning and improving gutters; to grade, pave, plank, or otherwise improve and keep in repair streets, alleys, and side and cross-walks;

8. To prevent and regulate the running at large of animals, and the discharge of firearms in said town;

9. To provide for the removal of standing water, and unwholesome and offensive substances, and to prevent streams from overflowing their banks;

10. To prevent and restrain any riot, noise, disturbance or disorderly assemblies, in any street, house, or other place in the town;

11. To levy and collect a road tax from all property in said corporation, equal to, and in the same manner, as that now levied by law, to be collected and expended on the highways, streets and alleys within said corporation, under the supervision of a supervisor, to be elected by the council;

12. To tax and license business houses, taverns, eating rooms, peddlers, auctioneers, brokers, and also the different branches of business or professions, which, in their judgment, should be licensed; and all citizens within the corporate limits shall be exempt from any county license which now is or may hereafter be imposed by the general laws of this State; *Provided*, no town license shall be less than now prescribed by statute;

13. To provide for the restraint and employment of vagrants;

14. To provide all necessary means for the protection of the town against fire;

15. To remove, repress or prevent anything which would be detrimental to the health or morals of the town; to prevent and restrain obscene language, cursing, swearing, drunkenness or disorderly conduct within the corporate limits;

16. To provide for the collection and disbursing of all moneys which may be assessed or authorized to be col-

lected; to issue warrants and levy on real or personal property of delinquent tax-payers, and cause the same to be sold under such rules and regulations as they may establish therefor;

17. To fill all vacancies in offices in the incorporation, and to appoint such officers as may be necessary to carry into effect any ordinance of the council;

18. To make all rules and regulations for conducting elections, except as hereinafter provided for; *Provided*, no person shall be allowed to vote at any municipal election who is not a legal voter of the State, or who has not resided within the corporate limits thirty days next preceding such election, or who has refused to pay any town fine or tax legally assessed against him;

19. To levy and collect a poll tax of not more than one dollar from each person in the corporate limits subject to poll tax under the laws of this State;

SEC. 19. Within ten days after the passage of this Act Hugh L. Brown, Sr., James H. Washburn and W. R. Bishop, who are hereby appointed inspectors of the first election to be held, shall give notice that there will be an election held for the election of the officers provided for in this charter, said notices to be posted at three public places within the corporate limits at least four days before said election, and shall furnish poll-books; said election to be held, as near as may be, in conformity with the election laws of this State. The said inspectors shall give certificates of election to the successful candidates, and shall deliver the poll books to the recorder elect. The officers thus elected shall qualify before the justice of the peace for Brownsville precinct, and shall immediately enter upon their respective duties.

SEC. 20. The Legislature of Oregon may annul, repeal or amend this Act, whenever a majority of the legal voters of the corporation petition therefor.

SEC. 21. At the election herein provided for, the question of charter or no charter shall be submitted to the legal voters, and if a majority vote to adopt the charter, then this Act shall be in full force and effect, otherwise null and void.

SEC. 22. Inasmuch as it is necessary that the improvements provided for in this Act shall be made as soon as possible, this Act shall take effect from the day of its approval by the Governor.

Approved October 19, 1876.

AN ACT to incorporate the City of North Brownsville, in the county of Linn and State of Oregon.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That the inhabitants of North Brownsville, Linn county, Oregon, and their successors, within the bounds hereinafter prescribed, are hereby established and declared a body corporate, under the name and style of North Brownsville; and as such, shall have the right to sue and be sued, implead and be impleaded, defend and be defended in any of the courts of this State; to hold real and personal property, to sell, lease, use, or otherwise dispose of the same for the common benefit; to borrow and loan money; to have and use a seal, and alter the same at pleasure.

SEC. 2. The corporate limits of said city of North Brownsville shall be as follows, to-wit: Commencing at a point fifteen (15) rods east of the northeast corner of the town of Amelia, in township thirteen, south range two west; thence south to the centre of the main channel of the Calapooia river at low water mark; thence down the centre of the main channel of said river, at low water mark, to the range line running north between ranges two (2) and three (3) west in township (13) thirteen, south of range two west; thence north on and with said range line to a point twenty (20) rods north of the north line (running east and west) of A. Grass' addition to North Brownsville; thence on a straight line, in a southeasterly direction, to the place of beginning.

SEC. 3. The officers of the said corporation shall be a president of the council, four councilmen, a recorder, a marshal and a treasurer, who shall hold their office for one year, or until their successors are elected and qualified.

SEC. 4. Said officers shall be elected annually by the qualified electors of said corporation, on the third Monday of December of each year.

SEC. 5. The president of the council shall have power to call meetings of the council, and shall preside at their meetings, and when there is a tie in the council, shall vote. He shall sign all ordinances and all warrants on the treasurer, or warrants for the collection of city taxes. He shall make a yearly report of the condition, financial and otherwise, of the city, and shall recommend such measures for the peace, health and prosperity of the city as he may deem expedient.

SEC. 6. The president and councilmen shall perform such other duties as may be hereinafter prescribed, and

before entering upon the duties of their office, shall file, with the recorder, an oath to well and truly perform the duties required of them by this charter.

SEC. 7. The recorder shall have the jurisdiction of a justice of the peace in the corporate limits, in civil and criminal proceedings, and his court shall be governed (as far as applicable) by the general laws under which justices' courts are conducted. He shall be ex-officio clerk of the common council, and shall preside in the absence of the president, and shall keep a journal of the proceedings of the board of council. He shall also be city assessor, and his duties as assessor and clerk shall be prescribed by the common council.

SEC. 8. The marshal shall execute all processes directed to him by the recorder or any legal authority. He shall be a conservator of the peace, and shall arrest all persons guilty of a breach thereof, or the violation of a city ordinance, and take them before the city recorder for trial; and may, as collector, enforce the collection of city taxes as the collection of county taxes is enforced; and shall make monthly returns of all moneys collected, to the treasurer, and shall take his receipt for the same. He shall attend upon the meetings of the common council, and shall perform such other duties as the council may require.

SEC. 9. The treasurer shall receive and disburse all moneys coming into his hands. He shall pay no orders for money unless they are signed by the president and recorder, and shall make quarterly reports of the city finances to the common council, and shall be governed by such other rules as the council may provide.

SEC. 10. The recorder, marshal and treasurer shall each give a bond in the sum of five hundred dollars, to be ap-

proved by the common council, for the faithful performance of their duties, which amount may, at any time, be increased by order of the common council.

SEC. 11. The president, councilmen and treasurer shall receive no pay for their services, and the president or councilmen shall not, directly or indirectly, be interested in the proceeds of any contract to be paid for out of the city treasury.

SEC. 12. Said recorder and marshal shall be entitled to the same fees as are now provided by law for the justices and constables.

SEC. 13. The said corporation shall not create any debts or liabilities which, in the aggregate, shall exceed the sum of two hundred dollars (\$200).

SEC. 14. The common council shall hold at least one meeting each month, and a majority of said board shall constitute a quorum to do business.

SEC. 15. Within three days after the passage of an ordinance, copies of the same shall be posted in three public places in said city; and all such ordinances shall take effect within five days after such notices, unless otherwise ordered.

SEC. 16. The board of common council shall have power, within the corporate limits,—

1. To make by-laws and ordinances, not in conflict with the laws of this State, or of the United States, and all necessary provisions for carrying them into effect;

2. To assess and collect taxes, not to exceed two and a half mills per annum upon the taxable property within said corporate limits;

3. To levy and collect a poll tax of not more than one dollar from each legal voter in the corporate limits;

4. To tax and license business houses, eating rooms, bar-rooms, all places where spirituous or malt liquors are sold, billiard or bowling saloons, peddlers, auctioneers, brokers, theatres, circuses, and all transient shows, or exhibitions for public amusement, and also the different branches of business or profession which, in their judgment, should be licensed under the charter; and all citizens within the limits of said corporation shall be exempt from any county license which now is or may hereafter be imposed by the general laws of this State; *Provided*, no city license shall be less than now prescribed by statute;

5. To provide for the restraint and employment of vagrants;

6. To provide all necessary means for the protection of the city against fires, and maintain a night watch when necessary, and to build a city jail;

7. To build side-walks, cross-walks, and construct sewers, remove obstructions from the same and provide for their repairs; or the council may, by an ordinance, duly passed, order any person owning property within the corporate limits to build a side-walk along the same, prescribing the mode and manner in which it shall be built; and in the event the property owner should fail to build the same as ordered, in sixty days after due notice of such order has been given by the marshal, the council may order the same to be built by the marshal, or under his direction and supervision, and the cost of building such side-walk shall be taxed against the owner of such property, which tax shall constitute a lien on said property for which the same may be sold as for other taxes;

8. To remove or repress all nuisances, or anything which would be detrimental to the morals of the city;

9. To prevent and restrain riot, disturbance, noise, obscene language, drunkenness and disorderly conduct or assemblages, at any time or place within the limits of the corporation;

10. To prevent animals from running at large within the corporate limits;

11. To impose, collect and appropriate fines and penalties; *Provided*, no fine or penalty shall exceed the sum of two hundred dollars (\$200 00), which may be discharged by work on the streets within the corporate limits, at the rate of two dollars per day, or imprisonment in the county jail, or city jail, not more than sixty days;

12. To provide for the collection and disbursing of all moneys which may be assessed or authorized to be collected; to issue warrants and levy on real or personal property of delinquent tax-payers, and cause the same to be sold, under such rules and regulations as they may establish therefor;

13. To fill all vacancies in offices of the incorporation, and to appoint such officers as may be necessary to carry into effect any ordinance of the council;

14. To make all necessary rules and regulations for conducting elections, except as hereinafter provided for; *Provided*, no person shall be allowed to vote at any municipal election who is not a legal voter in this State, or who has not resided within the corporate limits thirty (30) days next preceding said election, or who has refused to pay any city fine or tax legally assessed against him.

SEC. 17. Within ten days after the passage of this act,

the justice of the peace of Brownsville precinct shall give notice that there will be an election held for the election of the officers provided for in this charter, said notice to be posted in three public places within the corporate limits, at least four days before said election. He shall appoint three suitable persons for judges of said election, and furnish poll books; said election to be held as near as may be in conformity with the election laws of the State. The returns of said election shall be made to the said justice within two days thereafter, who shall, with the aid of the constable of said precinct, proceed to canvass the same and declare the result, and shall issue certificates of election to the persons having the highest number of votes for each of the city officers, who shall qualify within three days thereafter, and enter upon their duties.

SEC. 18. The legislature of Oregon may annul, repeal or amend this act, whenever a majority of the legal voters of the corporation petition therefor.

SEC. 19. At the election herein provided for, the question of charter or no charter shall be submitted to the legal voters, and if a majority vote to adopt the charter, then this act shall be in full force and effect, otherwise, null and void.

SEC. 20. Inasmuch as it is necessary that the improvements provided for in this act shall be made as soon as possible, this act shall take effect from the day of its approval by the Governor.

Approved October 19, 1876.

AN ACT to incorporate the City of Halsey, in Linn county, Oregon.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That the inhabitants of the city of Halsey, Linn county, Oregon, and their successors, within the bounds hereinafter prescribed, be and they are hereby established and declared a body corporate, under the name and style of the city of Halsey, and as such shall have the right to sue and be sued, implead and be impleaded, defend and be defended, in any of the courts of this State, to hold real and personal property, to sell, lease, use or otherwise dispose of the same for the common benefit, to have and use a seal, and alter the same at pleasure, to borrow and loan money; *Provided*, said corporation shall not create any debts or liabilities which, in the aggregate, shall exceed the sum of one thousand dollars.

SEC. 2. The corporate limits of the city of Halsey shall be as follows, to-wit: Beginning at a point twenty rods north of where [the] Brownsville and Peoria road crosses the railroad, thence west (80) eighty rods, thence south (1) one mile, thence east (120) one hundred and twenty rods, thence north one mile, thence west to place of beginning.

SEC. 3. The officers of said corporation shall be a president of the council, four councilmen, a recorder, a marshal and a treasurer, who shall hold their office for one year, or until their successors are elected and qualified.

SEC. 4. Said officers shall be elected annually by the qualified electors of said corporation on the first Monday of December in each year.

SEC. 5. The president of the council shall have power

to call meetings of the council, shall preside at their meetings, and when there is a tie in the council, shall vote. He shall sign all ordinances and all warrants, and warrants for the collection of city taxes; he shall make an annual report of the condition, financial and otherwise, of the city, and shall recommend such measures for the peace, health and prosperity of the city as he may deem expedient.

SEC. 6. The president and councilmen shall perform such other duties as may be hereinafter provided, and before entering upon the duties of their office, shall each file with the recorder an oath to well and truly perform the duties required of them by this charter.

SEC. 7. It shall be the duty of the council of Halsey to devise and adopt all such measures, regulations and ordinances connected with the police, peace, security, tranquility, cleanliness, improvement and ornament of the city, and the public health, prosperity and welfare, and the regulations of the finances and public expenses of the city, as shall be expedient from time to time, and in accordance with this Act, the laws of this State and of the United States.

SEC. 8. The recorder shall have all the power and jurisdiction of a justice of the peace in all civil and criminal matters, and in all proceedings, whether civil or criminal, shall be governed by the laws relating to justices of the peace in this State. He shall also have original and exclusive jurisdiction over all violations of city ordinances and regulations; may examine, hold to bail, fine or convict persons found guilty thereof. He shall be ex-officio clerk of the council, shall preside in the absence of the president, and shall keep a journal of the proceedings of

the council; he shall also be city assessor, and his duties as assessor and clerk, and fees therefor, shall be prescribed by the council.

SEC. 9. The marshal, in addition to the duties prescribed to him by the council, shall execute and return all processes issued and directed to him by the recorder, or by any legal authority. He shall be a conservator of the peace, and shall arrest all persons guilty of a breach thereof, or the violation of any city ordinance, and take them before the city recorder for trial, and may, as collector, enforce the collection of city taxes as the collection of county taxes is enforced. He shall attend all meetings of the council, and perform such other duties as the council may require.

SEC. 10. The treasurer shall receive and disburse all money coming into his hands. He shall pay no orders, unless they are signed by the president and recorder. He shall make a quarterly report of the city finances to the council, and shall perform such other duties as the council may require.

SEC. 11. The recorder, marshal and treasurer shall each give a bond in the sum of five hundred dollars, to be approved by the council, for the faithful performance of their duties, which amount may at any time be increased by order of the council.

SEC. 12. The president, councilmen and treasurer shall receive no pay for their services, nor shall they be, directly or indirectly, interested in the proceeds of any contracts to be paid for out of the city treasury.

SEC. 13. The recorder and marshal shall be entitled to the same fees as are now allowed by law to justices of the peace and constables.

SEC. 14. The council shall hold at least one meeting each month, and a majority shall constitute a quorum to do business.

SEC. 15. Within three days after the passage of any ordinance copies of the same shall be posted in three public places within the corporation, and all such ordinances shall take effect at the expiration of five days from the date of such posting, unless otherwise ordered.

SEC. 16. If any person who may be elected or appointed to any office under this Act shall remove from the city, or absent himself therefrom for thirty days or more without leave of the council, or shall fail to qualify within ten days after his election, the office which he held, or to which he may have been elected, shall be deemed vacant.

SEC. 17. The council shall have power and authority within the corporate limits

1. To make by-laws and ordinances, not in conflict with the laws of the State or of the United States, and all necessary provisions for carrying them into effect;

2. To assess and collect taxes, not to exceed five mills per annum, upon all taxable property within the corporate limits, and to levy and collect a poll tax, not exceeding two dollars, from such persons in the corporate limits subject to poll tax under the laws of this State, and to levy and collect a road tax from all property in said corporation equal to that now levied by law for road purposes, to be expended on the highways, streets and alleys within said corporation, under the supervision of a supervisor, to be elected by the council;

3. To prevent and remove nuisances;

4. To license, tax, regulate, restrain or suppress bar-

rooms, tippling houses, and all places where spirituous or malt liquors are sold, billiard saloons, bowling alleys, theatricals and other exhibitions, shows, and public amusements, and to suppress bawdy houses, houses of ill-fame, gambling houses and gaming; *Provided*, that no law or parts thereof authorizing any tribunal or officer of Linn county to grant tavern or grocery licenses shall apply to persons vending liquors within the corporate limits of the city of Halsey;

5. To establish and regulate a police and night watch, to impose, collect and appropriate fines and penalties for the breach of any city ordinances; *Provided*, no fine or penalty shall exceed the sum of two hundred dollars, or imprisonment in the county or city jail more than sixty days; *And provided*, the city council, by ordinance duly passed, may require that any fine which is not at once paid, or secured to be paid, shall be worked out on the streets in the corporate limits, at the rate of two dollars per day;

6. To erect, establish and keep in repair a city jail;

7. To construct, clean and repair sidewalks and crosswalks, or provide for the construction, cleaning and repairing of sidewalks adjacent to real property by the owners of such property, and also for making, cleaning and repairing gutters, to grade, pave, plank or otherwise improve and keep in repair highways, streets and alleys;

8. To regulate and prevent the running at large of animals and the discharge of fire-arms in said city;

9. To provide for the removal of standing water and unwholesome and offensive substances;

10. To prevent and restrain any riot, noise, disturbance,

or disorderly assemblies in any street, house or other place in the city;

11. To tax and license business houses, taverns, eating houses, peddlers, auctioneers, brokers, and also the different branches of business or profession which, in their judgment, should be licensed, and all citizens within the city limits shall be exempt from any county license which now is or may hereafter be imposed by the general laws of this State; *Provided*, no city license shall be less than now prescribed by statute;

12. To provide for the restraint and employment of vagrants;

13. To provide all necessary means for the protection of the city against fires;

14. To remove, repress, or prevent anything which would be detrimental to the health or morals of the city, and to prevent or restrain obscene language, cursing, swearing, drunkenness, or disorderly conduct within the corporate limits;

15. To provide for the collection and disbursing of all moneys which may be assessed or authorized to be collected; to issue warrants and levy on real or personal property of delinquent tax-payers, and cause the same to be sold under such rules and regulations as they may establish therefor;

16. To fill all vacancies in offices of the incorporation and appoint such officers as may be necessary to carry into effect any ordinance of the council, and to judge of the election, qualification and returns of its own members;

17. To make all rules and regulations for conducting elections, except as hereinafter provided for; *Provided*,

no person shall be allowed to vote at any municipal election who is not a legal voter in the State, or who has not resided within the corporate limits thirty days next preceding such election, or who has refused to pay any city fine or tax legally assessed against him.

SEC. 18. Within ten days after the passage of this Act, Jacob Thompson, S. W. Hays and S. A. Smith, who are hereby appointed to act as inspectors of the first election, shall cause five days' previous notice of such election to be posted at three public places in said corporation; shall furnish poll-books, hold such election, give certificates to successful candidates, and return the poll-books to the recorder elect. The officers so elected shall qualify in five days after such election. The council shall appoint the inspectors of subsequent elections, and the place of holding the same, and cause ten days' notice to be posted in three conspicuous places in the town; receive the returns and declare the result, and the president and recorder shall give certificates of election to the officers elect, who shall qualify within three days thereafter and enter upon their duties.

SEC. 19. At the election hereinbefore provided for, the question of charter or no charter shall be submitted to the legal voters in the corporate limits, and if a majority vote to adopt the charter, then this act shall be in full force and effect, otherwise null and void.

SEC. 20. Inasmuch as it is necessary that the improvements provided for in this act shall be made as soon as possible, this act shall take effect from the day of its approval by the Governor.

Approved October 20, 1876.

AN ACT providing for a Permanent Location of the County Seat of Lake County.

WHEREAS, The act of the Legislative Assembly of this State, approved October 24, 1874, creating the county of Lake, made provision for submitting the question of the permanent location of the county seat thereof to the legal voters of said county, at the June election of 1876; and

WHEREAS, Owing to the scattering vote polled at said election in said county, on the county seat question, the result has given rise to conflicting opinions among the citizens thereof as to the place where the county offices and records of said county should be kept, and the courts thereof be held, in consequence of which, the county seat question of said county has become the subject of expensive litigation in the courts; and

WHEREAS, It is to the interest of the people of Lake county that the county seat question should be speedily settled with as little expense as possible to the people of said county; therefore

Be it enacted by the Legislative Assembly of the State of Oregon:

SECTION 1. That at the presidential election to be held in November, A. D. 1876, any legal voter of said county may cast his vote for county seat in any precinct in said county.

SEC. 2. That at said election, the legal voters of said county shall cast their votes for only two places for county seat, to-wit: Linkville and Lakeview, in said county, and the place receiving the highest number of votes cast for county seat shall be the permanent county seat of said county until otherwise provided by law.

SEC. 3. That until the county seat of Lake county shall be permanently located in the manner provided in this act, the temporary county seat thereof shall remain at Linkville.

SEC. 4. That within twenty days after the holding of said election, the board of canvassers designated by law shall canvass the returns of said special election, and make a true and certified abstract of all votes cast for Linkville and Lakeview, and file said abstract with the county clerk of said county.

SEC. 5. That in case of a tie in the votes cast at said election for Linkville and Lakeview, the same shall be decided by lot in the manner provided by law for deciding a tie vote between county officers.

SEC. 6. That on and after said election, all offices and records of said county shall be kept, and all courts in and for said county shall be held at the place receiving a majority of all the legal votes cast at said election for county seat.

SEC. 7. All acts and parts of acts in conflict with the provisions hereof, are hereby repealed.

SEC. 8. As it is desirable that all litigation in reference to the location of the county seat of Lake county shall be terminated without delay, this act shall take effect and be in force from and after its approval by the Governor.

Approved October 12, 1876.

AN ACT to incorporate the Town of Hillsboro, in Washington county, Oregon.

Be it enacted by the Legislative Assembly of the State of Oregon:

SECTION 1. That the inhabitants of the town of Hillsboro, Washington county, State of Oregon, and their successors, within the limits hereinafter prescribed, are hereby created and established a body politic and corporate, by the name and style of the "Town of Hillsboro," and by that style shall have perpetual succession, the right to sue and be sued, defend and be defended in all the courts in this State, to purchase, lease, receive and hold property, both real and personal, and dispose of the same for the common benefit, to have and use a seal, and to alter the same at pleasure.

SEC. 2. The corporate limits of said town of Hillsboro shall be as follows, to-wit: Commencing in Washington county, Oregon, three chains west of the southeast corner of township No. one, north of range No. three west, and running thence north thirty-three chains, thence east forty chains, thence south sixty-eight chains, thence west forty chains, and thence north thirty-five chains, to the place of beginning.

SEC. 3. The officers of the said town shall be five trustees, a recorder, who shall be clerk of the board of trustees, and assessor, and ex-officio justice of the peace, within the limits of the town of Hillsboro, a marshal, who shall be collector of taxes and ex-officio a constable within the limits of the town of Hillsboro, and a treasurer, who shall hold their offices until their successors are elected and qualified, and who shall be legal voters, and actual

residents of the town six months preceding their election.

SEC. 4. Said officers shall be elected by the qualified electors of said town, on the first Monday in December of each year; *Provided*, that no person shall be entitled to vote at any municipal election who has not resided in said town limits thirty days next preceeding the election, or shall have refused or neglected to pay any city fine or tax legally assessed against him, provided such payment has been legally demanded of him. The first election of city officers shall be as follows: The county clerk of Washington county shall post in three of the most public places in said town, at least one week before the election, a notice designating the time of and place where said election will be held, and thereafter, and before the election, shall appoint three persons to receive the votes at the place designated; and the persons so appointed shall receive the votes as aforesaid, and within five days thereafter shall make return of said votes to the clerk of the county court, who shall, forthwith, in the presence of the judge of the county court or a justice of the peace, canvass the same, and to the persons respectively having the highest number of votes for recorder, marshal and treasurer, he shall give certificates of election, and to the five persons having the highest number of votes for trustees, he shall give certificates of elaction as trustees.

SEC. 5. The board of trustees shall elect one of their number to be president, which board shall constitute the town council, and at any meeting shall have exclusive power—

To provide for the election and qualification of officers, and for filling all vacancies in office;

To fix the time and place of their meeting; but they shall meet as often as once in each month;

To levy and collect taxes for city purposes;

To establish hospitals, prevent and remove nuisances;

To provide water;

To license, tax and regulate auctioneers, taverns, ordinaries, hawkers, peddlers, brokers, pawn-brokers, and money changers, and also hackneys, carriages, wagons, carts, drays and omnibusses, and to fix the rate of carrying persons and property thereon;

To license, tax and regulate bar-rooms, billiard tables, liquor venders, theatricals and other shows, exhibitions and other amusements; and also

To prohibit bawdy houses, gaming and gambling houses; *Provided*, that no person having paid a license to the town for carrying on any business or traffic named in this section, shall be compelled to pay to the county or the State for the same business;

To establish and regulate market houses and places;

To establish fire companies, and to provide for the prevention and extinguishment of fire;

To appoint fire wardens and to prescribe their duties, and property guards;

To compel any person or persons present to aid in the extinguishment of fire, or for the preservation of property exposed to danger in time of fires, and by ordinance, to prescribe such other powers as may be necessary on such occasions;

To establish and regulate a police and nightwatch;

To impose fines, penalties and forfeitures;

To provide for the construction, cleansing and repairing of side and cross-walks; *Provided*, the residents of said town shall not be exempt from the payment of such road taxes as are, or may be imposed by law upon other residents of Washington county;

And provided further, that said town of Hillsboro shall constitute a road district in Washington county of the following extent, to-wit: Commencing at the mouth of Dairy creek, in section 12, T. 1, S. R. 1 W.; thence up the centre of Dairy creek to the mouth of McKay creek; thence up the center of McKay creek to the section line between sections 24 and 25, T. 1, N. R. 3 W.; thence east to the corner of sections 20, 21, 28 and 29, T. 1, N. R. 2 W.; thence south to the centre of Tualitan river; thence up the centre of the Tualitan river to the place of beginning, and the street commissioner of said town, under the direction of the trustees, shall collect and apply all road taxes within said district to the improvement of roads and streets therein;

And provided further, that the trustees shall have power—

To compel, by ordinance, the owners of lots to construct and repair sidewalks, and to dig and maintain ditches and sewers along the streets adjacent to said lots, at the cost of the owners thereof, and to provide for selling the lots adjacent to which any such works may be constructed, ditches dug, sewers constructed, or improvements made, to pay all costs and expenses thereof, in the same manner as like property is sold on execution, under and in pursuance of the laws of this State;

To grade, pave, plank, or otherwise clean and keep in repair, streets, alleys and sidewalks;

To regulate the erection of private warehouses, and the repairs thereof, and fix the rate of storage therein;

To regulate the storage of gunpowder, and other combustible and explosive materials, and the use of candles, lamps, and other lights in shops, stables and other places;

To prevent, remove, or secure, any fireplace, stove, or

other apparatus which may be dangerous, in causing fire;

To regulate and prescribe the manner of building partition walls and fences;

To prevent and regulate the running at large of animals, and the discharge of fire-arms in said town;

To license and regulate porters, and the rate of portage;

To appropriate for any item of city expenditures, and to provide for the payment of debts and expenses of the city;

To appoint a street commissioner and a city attorney, and prescribe their duties;

To provide for measuring wood, and weighing hay and other commodities bought and sold in said town;

To provide for the removal of standing water and unwholesome and offensive substances;

To make by-laws and ordinances not inconsistent with the laws of the United States and of this State, to carry into effect the provisions of this charter, and secure the health, peace and improvement of said town, and to provide for the punishment of the violation of city ordinances by fine or imprisonment; but no fine shall exceed one hundred dollars, nor imprisonment more than twenty days.

And the said board of trustees shall have power—

To prevent the introduction of contagious diseases into the town;

To prevent and restrain any riot, noise, disturbance, or disorderly assemblage, in any street, house, or place in the city; and

To make ordinances to prevent and punish vagrancy and disorderly conduct, and to provide rules and regulations compelling persons convicted of vagrancy or disorderly conduct to work on the streets and public works of the town; *Provided*, that no sentence to hard work on the

streets or public works of the town shall exceed ten days for any one conviction; and

To prescribe and regulate the fees of elected and appointed officers of said town.

SEC. 6. The president of the board of trustees shall have power to call meetings of the board, and shall preside at its meetings, and shall, at least once in each year, state to said board the condition, financial and otherwise, of said town, and recommend such measures for the peace, health, improvement and prosperity of the town, as he shall deem expedient.

SEC. 7. The Recorder shall have jurisdiction over all violations of city ordinances, and may hold to bail, fine, or commit persons found guilty thereof. His duties as assessor and clerk shall be as prescribed by the board of trustees. He shall preside in the absence of the president, and shall keep a journal of the proceedings of the board of trustees.

SEC. 8. The marshal shall execute all processes directed to him by the recorder, or any legal authority; shall be conservator of the peace, and shall arrest all persons guilty of a breach thereof, or the violation of any city ordinance, and take them before the city recorder for trial, and may, as collector, enforce the collection of city taxes as the collection of county taxes are enforced, and shall perform such other duties as may be required of him by the board of trustees.

SEC. 9. The treasurer shall receive and keep the funds and moneys of the city, and pay out the same as herein-after specified. He shall execute a bond, with two sureties, to be approved by the board of trustees, in such sum as the board may order, for the safe keeping of the mon-

eyes of the said town, and the proper discharge of his duty as treasurer, and, when required by the board, he shall make a statement of the financial affairs of the town.

SEC. 10. No claim against the city shall be paid until it is audited and allowed by the common council, and then the treasurer shall pay it upon a warrant drawn upon him by the recorder.

SEC. 11. No member of the board of trustees shall, during the period for which he is elected, be interested in any contract, the expenses of which are to be paid out of the town treasury.

SEC. 12. Within five days from the enactment of any ordinance, a copy thereof shall be posted in three of the most public places in said town, or published in a newspaper in Hillsboro, and no ordinance shall take effect in less than five days from its passage.

SEC. 13. A majority of the trustees at any meeting shall constitute a quorum to do business, and all meetings of the board shall be public; and, at least once a year, a statement of the financial affairs of the town shall be published by authority of the board.

SEC. 14. The board of trustees shall not, in any manner, create any debt or liabilities, which shall, singly or in the aggregate, exceed the sum of two thousand dollars.

SEC. 15. This charter shall be submitted to the popular votes of the qualified electors of the town of Hillsboro, for their acceptance or rejection; and, if a majority of the votes cast be in favor of accepting the same, it shall become a law, but not otherwise.

SEC. 16. The clerk of Washington county shall give notice thereof, and appoint a time previous to the last

Monday in November, 1876, and a place in said city for voting on the acceptance or rejection of this charter; and he shall also appoint three persons, who shall be qualified, and receive votes, and declare the result of the vote to the clerk or deputy, who shall thereupon immediately declare the result of the vote.

SEC. 17. The term of office shall commence on the day following the election.

SEC. 18. The Legislature shall have the right to repeal, and alter this charter.

SEC. 19. Inasmuch as the property of the citizens of Hillsboro requires further protection other than can be afforded by the general laws of this State, this act shall take effect from and after its approval by the Governor.

Approved October 19, 1876.

AN ACT to incorporate the City of Astoria, in Clatsop County, Oregon.

Be it enacted by the Legislative Assembly of the State of Oregon :

CHAPTER I.

Of the Boundaries and Incorporation of the City.

SECTION 1. The city of Astoria is bounded as follows: Beginning at the N. E. corner of the donation land claim of J. M. and Susan L. Shively, his wife, all of Clatsop county, Oregon, as established and designated by the surveys and plats of the United States; thence south, on the said claim line, to the southeast corner of the town of Astoria, as laid out and recorded by J. M. Shively; thence

southwesterly, along the southern limit of said town, to Salmon street; thence westerly, along the southern limit of said town, to the claim line on the west of said donation land claim; thence south, on said claim line, extended to the middle of the main channel of Young's river bay; thence westerly, along the middle line of said channel, to a point south of the southwest corner of block No. 35, in Olney's addition to the town of Astoria, as laid out and recorded by J. G. Hustler and Henry S. Aiken, executors; thence north, and along the west line of said addition, to the northwest corner of block No. 1, in said addition; thence to a point one hundred feet south of the southwest corner of block No. 152, of the town of Astoria, as laid out and recorded by John McClure, as extended by Cyrus Olney; thence north, on the west line of the extension of the town of Astoria, to its intersection with Squemaqua street; thence west on Squemaqua street, extended to a point eighteen rods east of the west line of John McClure's land claim; thence north to the line of ordinary high water of the Columbia river; thence west, along the line of ordinary high water, to the west line of said McClure's land claim; thence north, on said west line, to the State line of the State of Oregon; thence easterly, along the State line, to a point north of the northeast corner of the donation land claim of J. M. and Susan L. Shively; thence south to the place of beginning.

SEC. 2. The inhabitants of the city of Astoria are hereby constituted and declared to be a municipal corporation, by the name and style of the "City of Astoria," and by such name shall have perpetual succession, sue and be sued, plead and be impleaded, in all courts of justice, and in all actions, suits or proceedings whatever; may purchase, hold and receive property, both real and personal,

within said city, for public buildings, public works and city improvements; may lease, sell or dispose of the same for the benefit of the city; may purchase, hold and receive property, both real and personal, beyond the limits of the city, to be used for city parks, for burial purposes, for the establishment and maintenance of a hospital for the reception of persons affected with contagious or other diseases, for work-houses and for houses of correction; also for the erection of water-works to supply the city with water, and may control, lease, sell or dispose of the same for the benefit of the city. All property, both real and personal, belonging to and vested in the "town of Astoria," shall, on the passage of this Act, become the property of and be vested in the "city of Astoria;" and they may control, lease, sell or dispose of the same for the benefit of the city. And they shall have and use a common seal, and may alter and break the same, or make a new one, at pleasure.

CHAPTER II.

Of the Government of the City.

SEC. 3. The power and authority given to the municipal corporation of the city of Astoria by this Act, is vested in a mayor and common council, and their successors in office, to be exercised in the manner hereinafter prescribed.

SEC. 4. For the purposes of municipal representation, the "city of Astoria" is hereby divided into two wards, designated and bounded as follows: Ward No. 1 shall embrace all that portion of said city of Astoria lying west of the dividing line between the donation land claim of John McClure, and John M. Shively and Susan L. Shively, his wife. Ward No. 2 shall embrace all that portion of said

city of Astoria lying east of said line; and the council, by ordinance, may create additional wards, or change the boundaries of those herein established.

SEC. 5. Each ward herein established, and any additional ward that may hereafter be established, is entitled to elect three members of the common council.

SEC. 6. The members of the common council shall be elected for three years, and shall hold their offices until their successors are elected and qualified.

SEC. 7. The mayor shall be elected for two years, and shall hold his office until his successor is elected and qualified.

SEC. 8. There shall be appointed, as hereinafter provided, a treasurer, assessor, auditor, attorney, superintendent of streets, harbor master, surveyor, police judge, and chief of police, who shall be officers in this municipal corporation, who shall be nominated by the mayor, and confirmed by a concurrence of a majority of the members of the council, and shall hold their offices for two years, and until their successors are appointed and qualified, subject to removal by the council, by and with the concurrence of a majority of the members thereof, for misfeasance, inattention or incompetency.

SEC. 9. No person is eligible to any office in the municipal corporation, who, at the time of his election or appointment, is not entitled to the privilege of an elector according to the laws of this State, and who has not resided in the city of Astoria for the six months next preceding such election or appointment.

SEC. 10. In addition to the qualifications prescribed in section 9, to be eligible to the office of councilman, a per-

son must be a resident of the ward from which he is elected.

CHAPTER III.

Of Elections.

SEC. 11. There shall be a general election in the city of Astoria on the second Wednesday in December, annually.

SEC. 12. All officers required to be elected by this act, except those nominated and confirmed by the common council, as in this Act provided, shall be elected by the qualified voters of the city or ward, as the case may be, at the general election next preceding the expiration of the then incumbent of the office.

SEC. 13. The council shall designate one place in each ward for holding the election therein, and appoint three judges and two clerks of election for each ward.

SEC. 14. The auditor, under direction of the council, shall give ten days' notice, by publication of hand-bills, posted in the several wards of the city of Astoria, of each general election, the officers to be elected thereat, and the place designated in each ward for holding the election therein, and the judges and clerks appointed to conduct the same.

SEC. 15. No person is qualified to vote at any election under this Act, who is not entitled to the privilege of an elector according to the laws of this State, and who has not resided in the city of Astoria for the three months next preceding such election, and in the ward in which he offers to vote for the ten days next preceding such election.

SEC. 16. The mayor shall be elected by the qualified voters of the city, and the councilmen by the qualified voters of the ward from which they are chosen.

SEC. 17. All elections shall commence at nine o'clock, A. M., and continue until six o'clock of the same day, without closing the polls. If any judge of election fails to attend and serve at the proper time, the voters of the ward, then present, may elect another in his place; and if any clerk of election fails to attend and serve at the proper time, the judges of the election may appoint another in his place.

SEC. 18. Judges and clerks of election must possess the qualifications of voters in the ward where they act as such, but a mistake, or error, in this respect, or a failure to give the notice required by section 14, shall not invalidate any election otherwise legal.

SEC. 19. On or before the second day after the election, the returns thereof, from each ward, must be filed with the auditor; and on the fourth day after the election, or sooner, if the returns from all the wards are in, the auditor shall call to his assistance the county clerk of the county of Clatsop, and a justice of the peace, resident in Astoria, and they three shall then canvass the returns of the election.

SEC. 20. A written statement of the canvass shall be made and signed by the canvassers, or a majority of them, and filed with the auditor, within the time appointed to complete the canvass. Such writing must contain a statement of the whole number of the votes given at such election, the number given for any person for any office, and the names of the persons elected, and to what office.

SEC. 21. Immediately after the completion of the can-

vass, the auditor must make and sign a certificate of election for each person declared thereby to be elected, and deliver the same to him on demand.

SEC. 22. A certificate of election is primary evidence of the facts therein stated, but the council is the final judge of the qualifications and election of its own members, and in case of a contest between two persons claiming to be elected thereto, must determine the same.

SEC. 23. A contested election for mayor must be determined according to the law of the State regulating proceedings in contested elections in counting [county] officers.

SEC. 24. The term of office of every person elected to office under this Act shall commence on the first Monday of January after his election, and terminate when his successor is elected and qualified, and by such time such person must qualify therefor, by taking and filing the oath of office, or he shall be deemed to have declined, and the office considered vacant. The term of office of every person appointed to office under this Act shall commence on the day following his appointment, and terminate when his successor is appointed and qualified; and he shall, within such day, qualify for office by taking and filing his oath of office and giving such official undertaking as may be required, or he shall be deemed to have declined, and the office considered vacant.

SEC. 25. All officers elected or appointed under this Act, before entering upon the duties of their office, must take and file with the auditor an oath of office to the following effect, viz:

I, A. B., do solemnly swear (or affirm) that I will support the Constitution of the United States, and of this

State, and that I will, to the best of my ability, faithfully perform the duties of the office of ——— during my continuance therein. So help me God.

If the person affirms, instead of the last clause there must be added: "And this I promise under the pains and penalties of perjury."

SEC. 26. All laws of this State regulating and governing general elections, and proceedings and matters incident thereto, shall apply to and govern elections under this Act, except as herein otherwise provided.

CHAPTER IV.

Of Vacancies in Office.

SEC. 27. An office shall be deemed vacant upon the death or resignation of the incumbent. The office of the treasurer or assessor shall be deemed vacant whenever the incumbent thereof shall be absent from the city for the period of thirty days. The office of councilman shall be deemed vacant whenever any incumbent thereof shall cease to be a resident of the ward which he represents, or shall fail to attend six consecutive regular meetings of the council, unless absent upon leave of the council, first obtained; but a change of the boundaries of any ward shall not be deemed to change the residence of any councilman, so as to create or cause a vacancy in such office.

SEC. 28. A vacancy in any office, caused by a failure of the person elected to qualify therefor, as prescribed in section 24, or made by or consequent upon the judgment of any court, or in any of the cases specified in section 27, must be filled by the appointment of a majority of the council, to continue during the remainder of the term.

SEC. 29. An officer appointed to fill a vacancy, must, within five days from the date of such appointment, qualify therefor, as in the case of an officer elected, or he shall be deemed to have declined, and the office considered vacant.

CHAPTER V.

Of the Organization and Powers of the Council.

SEC. 30. The council must provide for the time and place of its regular meetings, at any of which it may adjourn to the next succeeding regular meeting, or to some specified time prior thereto, and it may be convened by the mayor at any time upon not less than one day's notice to each member of the council at that time present in the city.

SEC. 31. A majority of the members of the council shall constitute a quorum to do business, but a less number may meet and adjourn from time to time, and compel the attendance of absent members.

SEC. 32. The council may adopt rules for the government of its members and its proceedings. It must keep a journal of its proceedings, and on the call of any two of its members, must cause the yeas and nays to be taken and entered in its journal, upon any question before it; but upon a question to adjourn, the yeas and nays shall not be taken, unless upon the call of four members. Its deliberations and proceedings must be public.

SEC. 33. The council may punish any member for disorderly and improper conduct at any meeting, or for refusing or neglecting to attend any regular meeting without sufficient excuse therefor, and may, by a two thirds vote, expel a member.

SEC. 34. The mayor is ex-officio president of the council, and presides over its deliberations when in session. He is not entitled to vote, but has authority to preserve order, enforce the rules of the council, and determine the order of business, subject to such rules and to an appeal to the council. If the mayor should be absent at any meeting of the council, the council must appoint one of their own number president, to serve during the meeting, or until the mayor attends.

SEC. 35. On the first Monday of January next following any general election, there must be a regular meeting of the council, and such meeting is appointed by this Act, and no notice thereof, or call therefor, is necessary.

SEC. 36. A majority of the whole number constituting the council, as then provided by law, is a majority of the council or members thereof, within the meaning of this Act, and not otherwise, unless expressly so provided. The concurrence of a majority of a quorum is a sufficient majority to determine any question or matter, other than the final passage of an ordinance, and the appointment or removal of an officer.

SEC. 37. The style of every ordinance shall be, "The city of Astoria does ordain as follows."

SEC. 38. The council has power and authority within the city of Astoria—

1. To assess, levy and collect taxes for general municipal purposes, not to exceed one-half of one per centum upon all property, both real and personal, within the city limits;

2. To license, tax and regulate auctioneers, taverns, hawkers, peddlers, pawn-brokers, and all offensive or noxious trades or occupations;

3. To license, tax and regulate hacks, cabs, hackneys, carriages, wagons, carts, drays or other vehicles, and to fix the rates thereof;

4. To license, tax, regulate and restrain bar-rooms, drinking shops, theatrical and other exhibitions, shows, public amusements, hotel and steamboat runners, billiard and pigeon-hole tables, and bowling alleys, and to prohibit and suppress bawdy houses, gaming and gambling houses; *Provided*, that no law or part thereof authorizing any tribunal or officer of Clatsop county to grant tavern or grocery licenses, shall apply to persons vending liquor within the city of Astoria;

5. To make regulations to prevent the introduction of contagious diseases in the city; to remove persons affected with such diseases therefrom to suitable hospitals provided by the city for that purpose; to secure the protection of persons and property therein, and to provide for the health, cleanliness, ornament, peace and good order of the city;

6. To prevent and remove nuisances;

7. To provide the city with good and wholesome water, and for the erection or construction of such water-works and reservoirs within or without the limits of the city, as may be necessary or convenient therefor, and to grant to any private person or private corporation, a franchise or permission for the erection and construction of water-works within the limits of the city, and with all rights and powers appertinent thereto, including the power of using the streets and public ways for the purpose of laying pipes, etc. Such franchise shall be used and exercised under such rules, regulations and restrictions as the council shall from time to time prescribe;

8. To provide for the prevention and extinguishment

of fires, and for the preservation of property endangered thereby, and for the appointment of officers required for such purposes;

9. To provide for lighting the streets, and furnishing the city with gas or other light, and for the erection or construction of such works as may be necessary or convenient therefor, and to grant to any private person or private corporation, a franchise or permission for the erection and construction of gas-works within the limits of the city, and with all rights and powers appertinent thereto, including the power of using the streets and public ways for the purpose of laying pipes, etc. Such franchise shall be used and exercised under such rules, regulations and restrictions as the council shall from time to time prescribe;

10. To provide for the support, restraint, and employment of vagrants and paupers;

11. To determine and regulate the number of day and night police, or either of them; to provide for paying the same, and to regulate and fix the compensation of the chief of police, and policemen, the keeper of the city prison, and of the house of correction;

12. To provide for the prevention and removal of all obstructions from the streets, cross and side-walks, and for the cleaning and repairing of the same;

13. To provide for the prevention and removal of obstructions in the Columbia river, within the limits of the city, and prevent and restrain the throwing of ballast therein;

14. To assess and collect harbor dues from all vessels and steamboats, or other water-craft whatever, arriving at or departing from the city;

15. To license and tax wharfingers;

16. To provide for the establishment of market-houses and places, and to regulate the location and management of market-houses, places and slaughter-houses;

17. To provide for the erection of a city jail, house of correction, and work-house, and the government and management of the same;

18. To regulate the storage of gunpowder, tar, pitch, rosin, and all other combustible materials, and the use of candles, lamps, and other lights in stores, shops, stables, and other places; to suppress, remove and secure any fire-place, stove, chimney, oven, or boiler, or other apparatus which may be dangerous in causing fires, and to prevent by all possible and proper means, danger or risk of injury or damage by fire arising from carelessness, negligence, or otherwise;

19. To prevent, restrain, and punish any riot, noise disturbance, or disorderly assemblage, or any unlawful or indecent practice, in any street, house, or place, in the city;

20. To establish and regulate the fees and compensation of all officers of this municipal corporation, except when otherwise provided;

21. To provide for the punishment of a violation of any ordinance of the city, by fine or imprisonment, not exceeding one hundred dollars, or twenty days, or both, or by forfeiture, or penalty, not exceeding five hundred dollars, and for working any person sentenced to such imprisonment during the term thereof;

22. To levy and collect a special tax of not exceeding one per centum upon all the property assessed by authority of the first subdivision of this section, for any specific object within the authority of this municipal corporation, including the payment of any existing debt; but the ordi-

nance providing therefor must specify the object thereof, and the estimated amount thereof;

23. To provide for the collection and disbursing of all moneys to which the city is, or may become, entitled by law, or which may be assessed, levied, or authorized to be collected for city purposes within said city;

24. To borrow money on the faith of the city, or loan the credit thereof, or both, for purely municipal purposes;

25. To appropriate money to pay the debts, liabilities, and expenditures of the city, or any part or item thereof, from any fund applicable thereto;

26. To provide for a survey of the blocks and streets of the city, and for marking and establishing the boundary lines of such blocks and streets;

27. To lay out and construct streets above and below ordinary low water in the Columbia river, to define the water front of said city of Astoria, and to build, construct and regulate landings at the foot of the streets terminating at said water front;

28. To erect, repair and regulate public wharves and docks, and to fix the rates of wharfage and dockage thereof, and to provide for the collection of the same;

29. To regulate the erection and repair of private wharves and docks, and to fix the rate of wharfage and dockage thereof;

30. To exercise such power and authority as may be given to the council elsewhere in this Act;

31. To provide for the working of the county road tax, within the limits of the city, upon the streets and public crossways thereof, under the supervision of the superintendent of streets, and said superintendent shall have power

to enforce the performance of such road tax after the manner provided by law for county road supervisors;

32. To tax, regulate, or prohibit animals from running at large within the limits of said city.

SEC. 39. The power and authority given to the council by section 38 can only be enforced or exercised by ordinance, unless otherwise provided; and a majority of the council may pass any ordinance or make any by-law, not repugnant to the laws of the United States or of this State, necessary or convenient for carrying such power and authority, or any part thereof, into effect, or as may be necessary to secure the peace and good order of the city, and the health of its inhabitants.

CHAPTER VI.

The Mayor, his Power and Duties.

SEC. 40. The mayor is the executive of the municipal corporation, and must exercise a careful supervision over its general affairs and subordinate officers. It is his duty annually, at the regular meeting of the council, appointed by this Act, to communicate by message to the council a general statement of the condition and affairs of this municipal corporation, and to recommend the adoption of such measures as he may deem expedient and proper, and to make such special communications to the council from time to time, as he may think useful and proper.

SEC. 41. The mayor shall take and approve all official undertakings, which the ordinances of this city may require any officer to give as a security for the faithful performance of his duty, or any undertaking which may be required of any contractor for the faithful performance of

his contract, and when he approves such undertaking, he must immediately file the same with the auditor.

SEC. 42. He shall perform such other duties, and exercise such other authority as shall be prescribed by this Act, any city ordinance or any law of the United States or of this State.

SEC. 43. No ordinance passed by the council shall go into force or be of any effect until approved by the mayor, except as provided in sections 44, 45 and 46.

SEC. 44. Upon the passage of any ordinance, the enrolled copy thereof, attested by the auditor, shall be submitted to the mayor by the auditor, and if the mayor approve the same, he shall write upon it "approved," with the date thereof, and sign it with his name of office, and thereupon, unless otherwise provided therein, such ordinance shall become law, and be of force and effect.

SEC. 45. If the mayor do not approve of an ordinance so submitted, he must, within ten days from the receipt thereof, return the same to the auditor, with his reasons for not approving it, and if the mayor do not so return it, such ordinance shall become a law, as if he had approved it.

SEC. 46. Upon the first meeting of the council after the return of an ordinance from the mayor, not approved, the auditor shall deliver the same to the council, with the message of the mayor, which must be read, and such ordinance shall then be put upon its passage again, and if two thirds of all the members constituting the council, as then provided by law, vote in the affirmative, it shall become a law without the approval of the mayor, and not otherwise.

SEC. 47. During any temporary absence of the mayor from the city, or if he be unwell, or for any reason be un-

able to act, the president of the common council shall be the acting mayor, and perform all the duties of such office during such temporary absence or disability, except as otherwise provided in this Act.

CHAPTER VII.

Of the Powers and Duties of the Officers of the Corporation.

SEC. 48. The treasurer is receiver of taxes, and must receive and keep all moneys that shall come to the city, by taxation or otherwise, and pay out the same upon the warrant of the mayor, attested by the auditor.

SEC. 49. The treasurer must keep an account with the general fund, and a separate account with each special fund that may be raised for any specific object, and when a warrant is drawn on any particular fund, it can only be paid out of such fund.

SEC. 50. The treasurer must make a report of the receipts and expenditures for the quarters ending the last day of March, June, September and December, and file the same with the auditor within five days from the expiration of such quarters, respectively, which reports must be published by the auditor, as may be prescribed by ordinance.

SEC. 51. The assessor must annually make a correct list of all the property subject to taxation by the city of Astoria, with the valuation thereof, and certify and return the same to the auditor.

SEC. 52. A person feeling himself aggrieved by any such assessment, either in the valuation or listing of the property, may apply, in writing, to the council, to have such assessment revised, and if the council deem the same

*erroneous, they must correct it. The party applying for such correction may be examined as a witness in relation to the matter, if he desire it, or the council require it.

SEC. 53. The assessment of property must be made in the manner prescribed by law for assessing property for State and county taxes; but the form of the assessment roll, and the rule for ascertaining the ownership of property, and in whose name it may be assessed, may be prescribed by ordinance, and the time of making such assessment and the return thereof, and of applying to the council for a revision thereof must be prescribed by ordinance.

SEC. 54. The superintendent of streets shall keep an office at some convenient place, to be designated by the common council, which shall be kept open for business on all ordinary business days. He shall keep himself informed of the condition of all public streets, highways, bridges, sewers, street lamps, parks and grounds, and shall have the supervision of all work done for the improvement, construction and repairs thereof, whether such work be done by contract or by or at the the expense of the owners of the adjacent property. He shall see that the provisions of all laws, ordinances and regulations relating to the public streets and property herein designated, are strictly enforced; and no claim for work, as herein specified, shall be allowed or paid out of the city treasury without the certificate of the superintendent that said work has been done to his satisfaction; *Provided*, That any contractor, feeling himself aggrieved by the determination of the superintendent of streets, may appeal to the common council. The street superintendent shall keep proper records of all matters relating to the business of his office, and report to the common council, from time to time, such suggestions and recommendations, as to mat-

ters connected with his department, with plans and estimates of the cost of improvements, as he may deem expedient, and perform such other duties as may be required of him by ordinance. He may appoint one or more deputies, who shall have all the powers and perform any or all the duties of the superintendent, under his direction, except the acceptance or approval of work done; the number of deputies and their compensation to be fixed by the common council.

SECTION 55. The city attorney must attend to all actions, suits or proceedings in which the city is legally interested, and attend to the prosecution of all persons charged with the violation of a city ordinance, and give his advice and opinion in writing concerning any matter in which the city is interested, when required by the mayor or council.

SEC. 56. The auditor is the accounting and clerical officer of the city. He is the clerk of the council, and by ordinance may be required to act as clerk in the police court.

SEC. 57. All demands and accounts against the city shall be presented to the auditor, with the necessary evidence in support thereof, and he shall audit the same and report them to the council, with all convenient speed, together with any suggestion or explanation which he may deem proper and pertinent; *Provided*, that no demands and accounts, or either of them, of fees for extra services performed by any officers under this Act, shall be presented to or audited by the auditor; all such demands shall be the subject of petition to the council, who shall allow only for such extra services as may have been indispensably necessary, and for which no salary is

allowed by law. All such petitions shall lie over from the meeting at which they are presented until the next regular meeting.

SEC. 58. When a demand or account has been reported to the council by the auditor, they must examine the same, if they deem it necessary, and by a vote direct whether the same shall be paid, or any part thereof, as they may deem it just and legal.

SEC. 59. When the council orders any demand or account to be paid, if money has been appropriated for that purpose, and not otherwise, the auditor must draw a warrant upon the treasurer for the amount ordered paid, which warrant must be drawn on the special or general fund appropriated therefor, and be signed by the mayor and attested by the auditor.

SEC. 60. The auditor's name of office, whether acting as auditor or clerk of the council, is "auditor and clerk of the city of Astoria." It is his duty, under the direction of the council, to keep a fair and correct journal of its proceedings, and to file and keep all papers and books connected with the business of the council. He may have a deputy, to be appointed by him in writing, and to continue during his pleasure. Such deputy shall have the power to perform any act or duty required of his principal, and his principal is responsible for his conduct.

SEC. 61. He must issue all licenses authorized by city ordinance, upon delivery to him of the receipt of the treasurer for the amount of money required for such license.

SEC. 62. The auditor must keep proper books of account, showing therein all sums appropriated, the date thereof, and out of what fund, the date and amount of all

warrants drawn thereon, and to whom payable, and all such other matters and things as may be prescribed by ordinance, or proper and necessary to a correct understanding of the city finances.

SEC. 63. The official books and papers of all the officers mentioned in this chapter, are city property, and must be kept as such by such officers during their continuance in office, and then delivered to their successors.

SEC. 64. The duties of the harbor master and surveyor shall be provided by ordinance, and other duties not inconsistent with this Act, may be required of any officer mentioned in this chapter by ordinance.

SEC. 65. The official books and papers of any officer mentioned in this chapter, may be inspected at any time by a committee of the council appointed for that purpose, or by the mayor.

SEC. 66. The auditor is authorized to administer any oath authorized or required to be taken by any law of this State or city ordinance.

CHAPTER VIII.

Of Streets, their Grade and Improvement.

SEC. 67. The council has power, and is authorized, whenever it deems it expedient, to establish or alter the grade, and improve any street or part thereof now or hereafter laid out or established within the corporate limits of the city. The power and authority to improve a street includes the power and authority to improve the sidewalks or pavements, and to determine and provide for every thing convenient and necessary concerning such improvement. The fee of all streets now within the city, re-

corded between high and low water of the Columbia river, is granted to the city, and all streets within the city limits, and at right angles to the Columbia river, are extended to ship channel for the use of the public, and the fee of the same is hereby vested in the city of Astoria, and all streets now constructed below ordinary high tide, and provided for in this Act, shall vest in the city in fee, and shall forever remain open as thoroughfares for the use of the public.

SEC. 68. No grade or improvement mentioned in section 67 can be undertaken or made without ten days' notice thereof being first given by publication in a newspaper published in the city of Astoria, except as in this Act otherwise provided.

SEC. 69. Such notice must be given by the auditor, by order of the council, and must specify, with convenient certainty, the street or part thereof proposed to be improved, or of which the grade is proposed to be established or altered, and the kind of improvement which is proposed to be made.

SEC. 70. Within ten days from the final publication of such notice, the owners of two-thirds of the property adjacent to such street or part thereof, as the case may be, may make and file with the auditor a written remonstrance against the proposed improvement; grade or alteration thereof, and thereupon the same shall not then be further proceeded in or made.

SEC. 71. If no such remonstrance be so made and filed, the council, at its earliest convenience thereafter, and within six months from the final publication of such notice, may establish the proposed grade or alteration thereof, or commence to make the proposed improvements as hereinafter provided.

SEC. 72. In the case of a notice to establish a grade or alteration thereof, the council, within the time limited by section 71, may establish the same by ordinance, as proposed in the notice.

SEC. 73. In case the notice be for the improvement of a street or part thereof, the council may proceed to ascertain and determine the probable cost of making such improvement, and assess upon each lot or part thereof, liable therefor, its proportionate share of such cost.

SEC. 74. When the probable cost of the improvement has been ascertained and determined, and the proportionate share thereof has been assessed, as provided in section 73, the council must declare the same by ordinance, and direct its clerk to enter a statement thereof in the docket of the city liens, as provided in the next section.

SEC. 75. The docket of city liens is a book in which must be entered, in pursuance of section 74, the following matters in relation to assessments for the improvement of streets:

1. The number or letter of the lot assessed, and the number or letter of the block in which it is situated, and if a separate assessment is made upon a part of a lot, a particular designation of such part;

2. The name of the owner thereof, or that the owner is unknown;

3. The sum assessed upon such lot or part thereof, and the date of the entry.

SEC. 76. The docket of city liens is a public writing, and the original or certified copies of any matter authorized to be entered therein, are entitled to the force and effect thereof, and from the date of the entry therein, of

an assessment upon a lot or part thereof, the sum so entered is to be deemed a tax levied and a lien thereon, which lien shall have priority over all other liens or incumbrances thereon whatsoever.

SEC. 77. For the purpose of ascertaining who is the owner of any lot or part thereof, assessed for the improvement of a street, the auditor shall take the certificate of the county clerk for the county of Clatsop, stating who is the owner thereof at the date of the ordinance making the assessment, as may appear from the record of deeds for such county, which certificate such county clerk is authorized and required to give when demanded by the auditor.

SEC. 78. A sum of money assessed for the improvement of a street cannot be collected until, by order of the council, ten days' notice thereof is given by the auditor, by publication in a newspaper published in the city of Astoria; such notice must substantially contain the matters required to be entered in the docket of city liens, concerning such assessment.

SEC. 79. If, within five days from the expiration of said ten days, as required by section 78, the sum assessed upon any lot, or part thereof, is not wholly paid to the city treasurer, and a duplicate receipt therefor filed with the auditor, the council may thereafter order a warrant for the collection of the same, to be issued by the auditor, directed to the chief of police, or other person authorized to collect delinquent taxes due the city.

SEC. 80. Such warrant must require the person to whom it is directed to forthwith levy upon the lot, or part thereof, upon which the assessment is unpaid, and sell the same in the manner provided by law, and to return the proceeds of such sale to the city treasurer, and the war-

rant to the auditor, with his doings endorsed thereon, together with the receipt of the city treasurer for the proceeds of such sale as paid to him.

SEC. 81. Such warrant shall have the force and effect of an execution against real property, and shall be executed in like manner, except as in this chapter otherwise specially provided.

SEC. 82. The person executing such warrant shall immediately make a deed for the property sold thereon, to the purchaser, stating therein that the same is made subject to redemption, as provided in this chapter. Within three years from the date of such sale, the owner, or his successor in interest, or any person having a lien by judgment, decree, or mortgage, on the property, or any part thereof, separately sold, may redeem the same upon the terms and conditions provided in the next section.

SEC. 83. Redemption is made by the payment of the purchase money, and twenty-five per cent. addition, together with interest upon the purchase money from the date of sale to the time of payment, at legal rate, and the amount of any tax which the purchaser may have paid upon the property.

SEC. 84. A redemption discharges the property from the effects of the sale for the assessment. If made by the owner, or his successor in interest, the estate in the property is thereby restored to such owner, or his successor in interest, as the case may be; but if made by a lien creditor, the amount paid for the redemption is thereafter to be deemed a part of his judgment, decree, or mortgage, as the case may be, and shall bear like interest, and may be enforced and collected as a part thereof.

SEC. 85. Whenever a purchaser, or those claiming un-

der him, refuse to convey to a person entitled to redeem, such person may enforce a conveyance therefor by a suit in equity, as for a specific contract to convey real property; and such suit may be maintained against absent persons and parties, without proof of tender of the money and offer to redeem, if the plaintiff bring such money into court and offer then to redeem.

SEC. 86. Each lot, or part thereof, within the limits of a proposed street improvement, shall be liable for the full cost of making the same upon the half of the street in front and abutting upon it.

SEC. 87. The intersections of all streets shall be improved at the expense of the city.

SEC. 88. A sale of real property under the provisions of this chapter conveys to the purchaser, subject to redemption as herein provided, all the estate or interest therein of the owner, whether known or unknown, together with all the rights and appurtenances thereunto belonging.

SEC. 89. When an assessment upon any lot or part thereof becomes delinquent, any person having a lien thereon by judgment, decree or mortgage, may, at any time before the sale of such lot or part thereof, pay the same, and such payment discharges the property from the effect of the assessment, and the amount of such delinquent assessment, and all accruing costs and charges, if any, when so paid, is thereafter to be deemed a part of such lien creditor's judgment, decree or mortgage, as the case may be, and shall bear like interest, and may be enforced and collected as a part thereof.

SEC. 90. The council must provide by ordinance for the time and manner of doing the work on any proposed

improvement, subject only to the following restrictions, viz.: After proper notice, the work must be let to the lowest responsible bidder, for either the whole work necessary to complete the proposed improvement, or for such subdivision thereof as will not materially conflict with the completion of the remaining portions; but no bid for a fractional part of any class of work, chargeable to any block fronting upon the street to be improved, shall be received; and a bid by the owner or owners of two-thirds of the property in a block fronting on a street proposed to be improved must be accepted; *Provided*, the same is as low as any other bid, and that the work can be so subdivided without injury to the owners of adjacent or other property. The council may provide for the rejection of any or all bids, when deemed unreasonable, and that the bid of any person, who has before bid or contracted for such work, and been delinquent therein, shall not be received. The council may provide for taking security by bond for the faithful performance of any contract let under its authority, and the provisions thereof may be enforced by an action in the name of the city of Astoria.

SEC. 91. If, upon the completion of any improvement, it is found that the sum assessed therefor upon any lot or part thereof, is insufficient to defray the cost thereof, the council must ascertain the deficit and declare the same by ordinance; when so declared the auditor must enter the sum of the deficit in the docket of city liens, in a column reserved for that purpose in the original entry, with the date thereof, and such deficit shall thereafter be a lien upon such lot or part thereof, in like manner and with like effect as in case of the sum originally assessed, and shall

also be payable and may be collected in like manner and with like effect as in the case of such sum so assessed.

SEC. 92. If, upon the completion of any improvement, it is found that the sum assessed therefor, upon any lot or part thereof, is more than sufficient to defray the cost thereof, the council must ascertain and declare the surplus in like manner as in the case of a deficit; when so declared it must be entered, as in case of a deficit in the docket of city liens, and thereafter the person who paid such surplus, or his legal representative, is entitled to repayment of the same, by warrant on the city treasurer.

SEC. 93. All money paid or collected upon assessments for the improvement of streets shall be kept as a separate fund, and in no wise used for any other purpose whatever; all moneys so assessed, including a deficit, from the time of being entered in the docket of city liens, shall bear interest at the legal rate until paid or collected.

SEC. 94. The proceedings authorized by this chapter for the establishment or alteration of a grade, or the improvement of a street, or part thereof, may be taken and had without giving the notice prescribed in section 68, whenever the owner or owners of two-thirds of the adjacent property shall, in writing, petition the council therefor.

SEC. 95. The council shall have power to lay down all necessary sewers and drains, and cause the same to be assessed on the property directly benefitted by such drain or sewer, but the mode of apportioning estimated costs of improvement of streets, prescribed in sections 86 and 87 of this Act, shall not apply to the construction of such sewers or drains, and when the council shall direct the same to be assessed on the property directly benefitted,

such expense shall, in every other respect, be assessed and collected in the same manner as is provided in case of street improvement; *Provided*, that the council may, at its discretion, appoint three disinterested persons to estimate and determine the proportionate share of the cost of such sewer or drain, to be assessed to the several owners of the property benefitted thereby.

SEC. 96. The council is authorized to repair any street or part thereof, whenever it deems it expedient, and to declare, by ordinance, before doing the same, whether the cost thereof shall be assed upon the adjacent property, or be paid out of the general fund of the city.

SEC. 97. If the council declares that a proposed repair shall be made at the cost of the adjacent property, thereafter the proposed repair is to be deemed an "improvement," and shall be made accordingly, but if it declares that the cost of the same shall be paid out of the general fund, such repairs may be made as the ordinance may provide, and be paid for accordingly.

SEC. 98. The cost of establishing or altering the grade of any street, or part thereof, shall be paid out of the general fund of the city. The term "general fund," as used in this chapter, includes any fund raised by special tax for the purpose in connection with which such term is used.

SEC. 99. Whenever any lot, or part thereof, sold under the provisions of this chapter, shall bring more than the assessment thereon, with interest and costs, and charges of collection, the surplus must be paid to the treasurer, and the person executing the warrant must take a separate receipt for such surplus and file it with the auditor on the return of the warrant. At any time thereafter the owner or his legal representative is entitled to a warrant upon the

treasurer for such surplus; *Provided*, whenever any lot, or part thereof, sold under the provisions of this chapter, shall bring less than the assessment thereon, the common council shall supply the deficiency out of the "general fund," if, in the opinion of the council, such improvement is necessary.

SEC. 100. The deed to the purchaser must express the true consideration thereof, which is the amount paid by the purchaser, and the return of the person executing the warrant must specify the amount for which each lot, or part thereof, sold, and the name of the purchaser.

SEC. 101. The common council of the city of Astoria shall have full power and authority to provide, by ordinance, for laying out, opening, extending, widening, straightening or closing up, in whole or in part, any street, square, lane or alley, within the bounds of said city, which in their opinion, the public welfare or convenience may require;

To provide for ascertaining whether any, and what amount in value of damage will be caused thereby, and what amount of benefit will thereby accrue to the owner or possessor of any ground or improvement within said city, for which such owner or possessor ought to be compensated, or ought to pay a compensation, and to provide for assessing and levying, either generally on the whole assessable property within said city, or specially on the property or persons benefitted, the whole, or any part of the damages and expenses which they shall ascertain, will be incurred in locating, opening, extending, widening, straightening, or closing up the whole or any part of any street, square, lane or alley in said city;

To provide for granting appeals to the circuit court of

the State of Oregon for Clatsop county, from the decisions of any commissioners, or other persons appointed by virtue of any ordinance, to ascertain the damage which will be caused or the benefit which will accrue to the owners or possessors of ground or improvement, by locating, opening, extending, widening, straightening, or closing up, in whole or in part, any street, square, lane or alley, within said city, and for securing, to every such owner and possessor, the right, on application within a reasonable time, to have decided by a jury trial, whether any damage has been caused, or any benefit has accrued to them, and to what amount;

To provide for collecting and paying over the amount of compensation adjudged to each person entitled, and to enact and pass all ordinances from time to time which shall be deemed necessary and proper, to exercise the power and effect the objects above specified; *Provided*, nevertheless, that before the common council of the city of Astoria proceed to execute any of the powers vested in them by this section, at least thirty days' notice shall be given of their intention to pass any such ordinance by advertisement in a newspaper printed and published in the city of Astoria; *Provided further*, that whenever any street or part of any street in the said city, occupied or used by the track of any railroad company, shall require to be altered or widened for the convenience of public travel, and proceedings for the altering or widening the same shall have been taken under the provisions herein contained, it shall be lawful for the commissioners appointed by ordinance as herein provided, and whose duty it may be to make a just and equitable assessment of the whole amount of costs, damages and expenses of such altering or widening, among the owners of all the lands and real estate intended to be

benefited thereby, to assess such portion of said costs, damages and expenses upon the corporation or company owning or using said railroad track as shall to them seem equitable and just, and such assessment shall be a lien upon any property of said corporation or company in the said city, and may also be enforced in the same manner as the assessment upon such owners of lands and real estate intended to be benefited thereby.

SEC. 102. That before any commissioners, appointed by any ordinance to be passed by virtue of the provisions of the last section, shall proceed to the performance of their duty, they shall give notice, in a newspaper printed and published in said city, of the object of the ordinance under which they propose to act, at least ten days before the time of their first meeting to execute the same.

SEC. 103. That upon the return of any assessment, to be made under any ordinance to be passed by virtue of section 101, the auditor of the city of Astoria shall cause a copy of said assessment to be published in a newspaper printed and published in the said city, and shall also enter the same in the docket of city liens, as herein provided for street improvements.

SEC. 104. That the time within which any appeal is to be made from any assessment shall be computed from and after the publication provided for in the preceding section.

SEC. 105. All the expenses resulting from locating, opening, extending, widening, straightening, or closing up, in whole or in part, any street, square, lane, or alley, within said city, shall be paid out of the moneys derived from the assessments upon the property benefited by such locating, opening, extending, widening, straightening, or

closing up, in whole or in part, any street, square, lane, or alley, within said city; and the city of Astoria shall not be liable for any expense caused by the same.

SEC. 106. The powers and provisions in this Act contained, relating to street improvements, assessments therefor, and sale of lands and real estate for delinquent assessments, shall, so far as the same may be applicable, govern, and be followed in all proceedings for locating, opening, extending, widening, straightening, or closing up, in whole or in part, any street, square, lane, or alley, within said city.

SEC. 107. The provisions of the general law of this State, relating to the taking of private property for public use, shall govern and be followed in all proceedings for locating, opening, extending, widening, straightening, or closing up, in whole or in part, any street, square, lane, or alley, within said city, except as in this Act otherwise provided.

SEC. 108. The common council of the city of Astoria shall have the power, by ordinance, to grant a franchise to any person or persons, or body corporate, for using the streets and public ways of the city for the purpose of constructing and using thereon a street railway or railways, the ordinance granting any such franchise to specify with particularity the streets and public ways to be used, the provisions under which the same may be used, and the term for which such franchise is granted. The common council shall also have power to make regulations for the running of street cars on such railway or railways, and to fix the rates of passage or fare thereon.

SEC. 109. Whenever any lot, or part thereof, is sold for a delinquent assessment for a street improvement, and

afterwards resold for a deficit in such assessment, as in this Act provided, to any person other than the purchaser at the first sale, or his successor in interest, such purchaser or successor, for the purpose of making redemption from the purchaser at such re-sale, is to be deemed an owner within the meaning of this Act.

SEC. 110. Whenever the grade of any street has been established, the common council may authorize the owner or owners of any property thereon to cut down or fill up such street in front of such property according to such grade, at the expense and cost of such owner.

SEC. 111. The authority mentioned in the last section cannot be given after an assessment has been made for the improvement of the street in front of such property, and in giving such authority the council may impose such terms and conditions thereon as may be necessary to secure the deposit of excavations upon any part of such street as may require to be filled up.

CHAPTER IX.

Of the Collection of Delinquent Taxes.

SEC. 112. Whenever any general or special tax has been levied, as provided and authorized in section 38, every part thereof shall bear interest at the legal rate, from the time it is due and payable until paid or collected.

SEC. 113. The council must provide by ordinance within what time all taxes, levied as provided and authorized in section 38, may be paid to the treasurer, and all taxes not paid to the treasurer within such time are thereafter delinquent taxes, and must be collected as such.

SEC. 114. Within five days from the expiration of the

time limited for paying taxes to the treasurer, the treasurer must return the tax roll to the council, distinguishing thereon the taxes paid and those remaining unpaid.

SEC. 115. The council must thereafter order the auditor to deliver the tax roll to the chief of police, and issue and annex thereto a warrant, directed to the chief of police, commanding him to proceed and forthwith to collect the delinquent taxes upon such roll, in the manner provided by law, and pay the same to the treasurer, and return the warrant, with his doings thereon, and the receipt of the treasurer for all moneys collected thereby and paid to the treasurer, to the auditor.

SEC. 116. Such warrant for the purpose of collecting such delinquent taxes, shall be deemed an execution against property, and shall have the force and effect thereof against any person, firm or corporation against whom such taxes are levied or charged on the tax roll, and shall be executed and returned in like manner, except as in this chapter otherwise provided.

SEC. 117. If no personal property be found whereon to levy the warrant, or if that levied upon be not sufficient to satisfy the same, it must be levied on any real property of the person, firm or corporation against whom the tax is levied or charged, or sufficient thereof to satisfy such warrant, including interest, fees of officers, and all expenses of sale and executing the warrant.

SEC. 118. In case of a delinquent tax levied upon real property in the name of an owner unknown, the warrant shall be executed by levying upon each lot or part thereof of such property, for the tax levied thereon, and selling it separately.

SEC. 119. All taxes heretofore levied by the municipal

corporation of Astoria, and remaining unpaid or delinquent, may, by order of the council, be collected from the person, firm or corporation, whether known or unknown, against whom the same was charged or levied, by warrant, in the manner and with the effect provided in this chapter for the collection of delinquent taxes.

SEC. 120. When real property is sold for delinquent taxes, the person executing the warrant must immediately make a deed for such property to the purchaser, stating therein that the same is made subject to redemption, as provided by law, and such sale shall have the effect prescribed in section 88.

SEC. 121. Real property sold for delinquent taxes, as provided in this chapter, may be redeemed by the owner or his successor in interest, or by any person having a lien by judgment, decree or mortgage on such property, or any part thereof separately sold, within three years from the date of the deed therefor, and upon the terms and conditions, and with the effect provided in chapter viii. of this Act, in the case of sales of real property for delinquent assessments, for the improvement of streets, and such delinquent tax may be paid by such lien creditor, in the same manner and with like effect as a delinquent assessment, as provided in section 89.

SEC. 122. Whenever any property, real or personal, sold for delinquent taxes, shall bring more than the amount of such taxes, with interest and costs and charges of collection, the surplus must be paid to the treasurer, and the person executing the warrant must take a separate receipt for such surplus, and file the same with the auditor on the return of the warrant. At any time thereafter, the owner of the property sold, or his legal representative, is entitled to a warrant upon the treasurer for such surplus.

SEC. 123. Section 100 shall apply to the sale of real property for delinquent taxes, and in case of the sale of personal property for such taxes, the true consideration thereof shall in like manner be expressed in the bill of sale therefor, and the return of the person executing the warrant must specify such consideration and the name of the purchaser.

SEC. 124. The council may provide, by ordinance, within what time a warrant for the collection of delinquent taxes must be returned, and may order an alias warrant to issue for the collection of any such taxes not made on a previous one. All costs and charges for collecting delinquent taxes must be made on the warrant, and collected as a part of the tax. The council may prescribe, by ordinance, the fees and compensation for collecting delinquent taxes, but the same shall in no case be paid out of the treasury.

SEC. 125. All property subject to levy upon execution is subject to levy upon a warrant for the collection of delinquent taxes, and also all property subject to assessment for taxation as provided in section 38, whether the same be exempt from execution or not.

CHAPTER X.

The Police Judge, his Powers and Duties.

SEC. 126. The police judge is the judicial officer of the corporation, and shall hold a court therein, at such place as the council shall provide, which shall be known as the police court, and shall be appointed and hold his office as in this Act hereinbefore provided.

SEC. 127. The term of the first police judge appointed

under this Act shall commence the day after his appointment. The office of police judge shall be deemed vacant whenever he shall be absent from the city for a period of more than ten days without the consent of the council first had and obtained, except in case of sickness, or whenever the person appointed thereto shall fail to qualify, as in this Act provided. In the absence of the police judge, the mayor may preside over the police court in all matters relating to a violation of any city ordinance.

SEC. 128. The police judge has jurisdiction of all misdemeanors defined by an ordinance of the city of Astoria, and of all actions brought to enforce or recover any forfeiture or penalty declared or given by any such ordinance.

SEC. 129. The police judge has the jurisdiction and authority of a justice of the peace, within the limits of the city of Astoria, in both civil and criminal matters, and shall be subject to all general laws of the State prescribing the duties of a justice of the peace, and the mode of performing them.

SEC. 130. All civil and criminal proceedings before the police judge, or in the police court, including all proceedings for the violation of any city ordinance, are governed and regulated by the general laws of the State, applicable to justices of the peace, or justices courts, in like or similar cases; but in a proceeding for the violation of a city ordinance, the trial shall be without a jury, unless the defendant, on demanding a jury, shall pay into court a sum sufficient to pay the expense of such jury.

SEC. 131. The police judge shall make out and report to the council a monthly statement of the business transacted before him, whether sitting as a police judge or a

justice of the peace, and the amount of money received or collected on account thereof.

SEC. 132. The council shall by ordinance regulate the manner of compensating the police judge for his services; *Provided*, that in the event of the council providing a salary for such officer, costs, fees and expenses taxed against or received from any defendant in a criminal proceeding before the police judge, either for the violation of a city ordinance or a law of the State, shall, when received or collected, be paid by said judge to the city treasurer, who shall give him duplicate receipts therefor, one of which shall be filed with the auditor.

SEC. 133. All fines imposed by said judge, and penalties recovered before him, for a violation of a city ordinance, shall, when received or collected, be paid by said judge to the city treasurer, who shall give duplicate receipts therefor, one of which shall be filed with the auditor. All fines and penalties for a violation of a State law shall be disposed of by said judge as provided by the general law of the State.

SEC. 134. All actions and proceedings pending in the recorder's court of the town of Astoria, on the taking effect of this Act, shall thereafter be proceeded in, in criminal matters or cases, according to the provisions of this Act, or of any ordinance applicable thereto, and continued in force by this Act. In all actions and proceedings in civil matters, before the recorder, acting as a justice of the peace, pending on said taking effect of this Act, shall thereafter be continued and tried by the police judge as if commenced before him.

CHAPTER XI.

Of the Police Force.

SEC. 135. The common council have power, and it is their duty to organize, govern and conduct a police force in the city limits, and to that end may—

1. Appoint a chief of police, and if needed, one or more captains of police.

2. Appoint regular and special policemen, and a keeper of the city prison.

3. Remove or suspend any member of the police, including the chief and captains, for any cause which they may deem sufficient, to be stated in the order of removal or suspension.

4. Make all necessary and convenient rules and regulations for the organization and conduct of said police force, for the care and management of the city prison, for receiving and hearing complaints against any member of said force, for the removal or suspension of any member of such force, and for the forfeiture of all, or any portion of the wages that may be due any member of such force on account of misconduct, or negligence in the discharge of his duties.

SEC. 136. The council shall, by ordinance, fix the salary of the chief of police, and all members of the police force.

SEC. 137. The chief of police is a peace officer, and must execute all process issued by the police judge, or directed to him by any magistrate of this State. He may make arrests for a breach of the peace, or commission of a crime within the limits of the city, with or without a warrant, as a peace officer may do under the laws of the State.

He must exercise a vigilant control over the peace and quiet of the city. He is the keeper of the city prison or house of correction, unless otherwise prescribed by the council. He must collect all delinquent taxes and assessments, when required by warrant, and pay the same to the city treasurer monthly. He must attend regularly upon the sittings of the police court, and the meetings of the common council. He shall have control over the captains and all policemen when they are upon duty, and shall see that the city ordinances, and the rules, orders and regulations of the common council are observed and enforced. He may suspend any captain or policeman for negligence or violation of duty until the case shall be examined into and determined by the council. Before entering upon the duties of his office, he shall file a bond in such sum as the council may require, and subscribe and take an oath that he will faithfully perform the duties of chief of police and tax collector during his continuance in office, and will account for, and pay over all moneys that may come into his hands by virtue of his office.

SEC. 138. The chief of police shall receive and collect the same fees for the collection of taxes and assessments as are allowed by law, or as may be provided by ordinance, which fees he shall pay to the city treasurer, taking duplicate receipts therefor, one of which shall be filed with the auditor. The fees earned, received and collected by the chief of police or any member of the police force in the police court in proceedings for a violation of a city ordinance, or a crime against a State law, shall be disposed of in a similar manner.

SEC. 139. The captains of police and policemen shall possess the same power and authority as the chief of police

in making arrests and serving process; they must exercise a vigilant control over the peace and quiet of the city; every policeman shall, before entering upon his duties, take and subscribe an oath that he will faithfully perform his duty for which he is appointed.

CHAPTER XII.

Miscellaneous Provisions.

SEC. 140. The city of Astoria is not bound by any contract, or in any way liable thereon, unless the same is authorized by city ordinance, and made in writing, and by order of the council, signed by the auditor or some other person on behalf of the city. But an ordinance may authorize any officer or agent of the city, naming him, to bind the city, without a contract in writing, for the payment of any sum of money not exceeding one hundred dollars.

SEC. 141. The city of Astoria is not liable to any one for any loss or injury to person or property growing out of any casualty or accident happening to such person or property on account of the condition of any street or public ground therein; but this section does not exonerate any officer of the city of Astoria, or any other person, from such liability, when such casualty or accident is caused by the willful neglect of a duty enjoined upon such officer or person by law, or by the gross negligence or willful misconduct of such officer or person in any other respect.

SEC. 142. No money shall be drawn from the treasury but in pursuance of an appropriation for that purpose, made by ordinance, and an ordinance making an appropriation of money must not contain a provision upon any

other subject, and if it does, such ordinance as to such provision shall be void, and not otherwise.

SEC. 143. At the first election under this Act the councilmen from each ward shall, at the first meeting of the council thereafter, in such manner as the council shall order, draw lots to determine the duration of the terms of such councilmen. The lots shall be for the term of one year, two years, and three years, respectively, and the term of such members shall expire accordingly as they may draw either of such lots, so that thereafter at every general election, except in the case of vacancies, there will be one councilman to elect from each ward for the term of three years. The proceedings connected with drawing such lots shall be substantially entered in the journal of the council.

SEC. 144. When an additional ward is created by the council, the three councilmen from such ward shall, at the first election therefor, be elected for the terms of one, two and three years, respectively, and the voting and returns thereof shall take place and be made accordingly.

SEC. 145. The first election under this Act shall be held on the second Wednesday of December, 1877. The returns of such first election shall be made to the recorder then in office, in all respects as this Act elsewhere directs them to be made to the auditor, and such recorder shall canvass the same, and issue certificates of election, in all respects as such auditor is elsewhere required to do by this Act.

SEC. 146. A member of the council, for words uttered in debate therein, shall not be questioned in any other place.

SEC. 147. The present mayor and council of the town

of Astoria, and all officers of the said town, shall continue in office until the first Monday of January, 1878, when the mayor and common council elected under this Act shall take their offices, and enter upon the discharge of their duties. From and after this Act taking effect, and until said first Monday of January, 1878, such mayor and council of the town of Astoria shall perform the duties and exercise the powers, and be subject to the restrictions provided in this Act for such mayor and council. During such time the present recorder of said town shall act and be known as, and perform the duties of auditor and police judge; the town marshal shall act and be known as, and perform the duties of chief of police; the street commissioner shall act and be known as, and perform the duties of superintendent of streets; the treasurer and attorney shall continue to fill such offices, and the council shall proceed to fill, by appointment, as in this act provided, vacancies in other offices created by this Act. All such officers shall perform the duties and exercise the powers and be subject to the restrictions provided in this Act for such officers. The present council shall provide for the holding of the first election under this Act, and cause the proper notices thereof to be given.

SEC. 148. When this Act takes effect, the books, records and papers of the recorder's court shall become the books, records and papers of the police court, and the books, records and papers of the marshal's office, shall become the books, records and papers of the chief of police's office. The police judge and chief of police shall continue to act in all matters pending, with the same powers and with the same effect as the recorder and marshal.

SEC. 149. All ordinances now in force, wherein it is provided for their enforcement by the recorder or marshal,

shall be executed and enforced by the police judge and chief of police, until altered, amended or repealed by the common council.

SEC. 150. No suit, action or proceeding before the recorder of the town of Astoria, now pending, shall abate by virtue of the provisions of this Act, and no proceedings for the collection of taxes and sale of property shall be affected by this Act, but the present marshal shall turn over all warrants, books and papers belonging to his office to the chief of police, and he shall proceed to enforce the same, and discharge the duties now imposed upon the marshal by virtue thereof, as though this Act had not been passed.

SEC. 151. The fiscal year of the city shall commence on the first day of January, and end on the last day of December, of each year, and during any such year, the rates of general and special taxes levied must not exceed, in the aggregate, one and a half per centum.

SEC. 152. The indebtedness of the city of Astoria shall never exceed, in the aggregate, the sum of fifty thousand dollars, and any debt or liability incurred in violation of this section, except as may be hereafter provided, whether by borrowing money, loaning the credit of the city, or otherwise, is null and void, and of no effect.

SEC. 153. In any action, suit or proceeding in any court, concerning any assessment of property or levy of taxes, authorized by this Act, or the collection of any such tax, or proceeding consequent thereon, such assessment, levy, consequent proceeding, and all proceedings connected therewith, shall be presumed to be regular and duly done or taken, until the contrary is shown; and when any proceeding, matter or thing is by this Act committed or left to the discretion or judgment of the council, such

discretion or judgment, when exercised or declared, is final, and cannot be called in question elsewhere.

SEC. 154. In making a deed for real property sold for delinquent taxes, or a delinquent assessment for the improvement of a street, it is not necessary to recite or set forth the proceedings prior to the sale, but it is sufficient it substantially appear from such deed that the property was sold by virtue of a warrant from the city of Astoria, and the date thereof, for a delinquent assessment or tax, and the amount thereof, together with the date of sale and the amount bid thereat by the purchaser. The style of a warrant for the collection of delinquent assessments or taxes shall be, "In the name of the City of Astoria."

SEC. 155. The mayor and councilmen are not entitled to, and must not receive any salary or compensation for their official services, nor shall they, or any of them, be in any manner interested in any contract made with or on behalf of the city during their term of office.

SEC. 156. Real property, when sold for or to satisfy a delinquent assessment or tax, must be sold for United States gold or silver coin, and not otherwise; and any one applying or seeking to redeem property so sold as in this Act provided, must pay or offer to pay the sum necessary therefor in such coin, and not otherwise.

SEC. 157. All real property within the limits of the city of Astoria not laid off in blocks and lots at the time of making any assessment authorized by this Act must be assessed at its cash value per acre, or fraction thereof, as the case may be.

SEC. 158. All town ordinances heretofore passed by the municipal authorities of the town of the town of Astoria,

in force when this Act takes effect, shall be and remain in full force after this Act takes effect, and thereafter until repealed by the council; all rights vested or liabilities incurred under either the Act of incorporation of the town of Astoria or the amendatory Act thereof, or any town ordinance, when this Act takes effect, shall not thereby be lost, impaired or discharged.

SEC. 159. The council, as soon as practicable after this Act takes effect, must provide by ordinance for the codifying and publishing in book or pamphlet form, of all ordinances, or parts thereof, then in full force, and for the publishing in like form annually thereafter the city ordinances for the current year.

SEC. 160. The Act entitled, "an Act to incorporate the town of Astoria," passed the House of Representatives January 17, 1856, and passed the council January 18, 1856, and also the Act amendatory thereof entitled, "an Act to amend an Act entitled an Act to incorporate the town of Astoria," passed January 18, 1856, approved October 29, 1872, are hereby repealed.

SEC. 161. Inasmuch as the present municipal government of the town of Astoria is inefficient, and does not subserve the interests of the inhabitants thereof, this Act shall take effect and be in full force from and after its approval by the Governor.

Approved October 20, 1876.

AN ACT to amend an Act entitled "An Act to incorporate the town of Marshfield."

Be it enacted by the Legislative Assembly of the State of Oregon:

SECTION 1. That section 10 of the Act incorporating

the town of Marshfield, Coos county, approved October 24, 1874, be amended so as to read as follows:

SEC. 10. Any person shall be entitled to vote at any election held under the provisions of this Act, who is a qualified voter in this State, who has been a *bona fide* resident of said city ninety days next preceding any city election held under the provisions of this Act, or the Act to which this is an amendment.

SEC. 2. Whereas, as a city election will be held within said city before the expiration of ninety days, this Act shall take effect and be in force from and after its approval by the Governor.

Approved October 14, 1876.

AN ACT relating to the Re-location of the County Seat of Polk County.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That at the next general election held after this Act shall take effect, in the county of Polk, State of Oregon, the legal voters of Polk county may vote upon the question of re-locating the county seat of said Polk county. The poll books for said election shall be so ruled and prepared as to provide a sufficient number of columns for recording and counting all the votes cast for re-locating the county seat of said Polk county.

SEC. 2. Each voter voting upon the question of re-locating the county seat, shall have written or printed upon his ballot the name of the place for which he votes for county seat, and the place receiving a majority of all

the legal votes cast for county seat shall be the permanent county seat of said county of Polk until otherwise provided by law.

SEC. 3. If no one of the places voted for for county seat shall receive a majority of all the legal votes cast for county seat at said election, then, at the next general election, the two places receiving the highest number of votes shall be voted upon, and the county clerk shall prepare and rule the poll books for said election so as to provide a column for recording and counting the votes for each of the places voted upon, and the one of the places, so voted upon, receiving the highest number of legal votes cast for county seat at said election shall be the permanent county seat of said county of Polk until otherwise provided by law.

SEC. 4. That any legal voter of said Polk county may vote upon the question of re-locating the county seat, as provided by this Act, in any election precinct in the county.

Approved October 20, 1876.

AN ACT to locate the County Seat of Tillamook county.

Be it enacted by the Legislative Assembly of the State of Oregon :

That at the general election in 1878, the question of the location [of a county seat] of Tillamook county shall be submitted to the legal voters of said county; and the place, if any, which shall receive a majority of all the votes cast for the county seat, at said election, shall be the perma-

ment county seat of the said county, but if no one place shall receive a majority of all the votes cast, the question shall be again submitted to the legal voters of said county, between the two places having the highest number of votes at said election, and the place receiving the highest number of votes at said election, shall be the permanent county seat of said county.

SEC. 2. The county commissoiners of said county, shall have made a separate ballot box for each precinct, labeled "county seat ballot box," and the votes for the county seat shall be in ballots separate from the ballots for the officers, and the same shall be deposited in the above described ballot boxes by the judges of said election, and an abstract made of them similar [to] those for an officer.

Approved October 21, 1876.

AN ACT to Change the Location of the County Seat of Josephine County.

Be it enacted by the Legislative Assembly of the State of Oregon:

SECTION 1. That at the next general election held in the county of Josephine and State of Oregon, it shall be the duty of the county clerk of said county of Josephine to put in nomination the towns of Kerbyville and Wilderville, to be voted upon at said election, for the county seat of said county.

SEC. 2. The votes cast for each of said places shall be correctly kept, and counted as in other cases of election, and the place receiving a majority of all the votes cast shall be declared the county seat of said county.

Approved October 17, 1876.

AN ACT to incorporate the town of McMinnville, in the county of Yamhill, State of Oregon.

Be it enacted by the Legislative Assembly of the State of Oregon :

SECTION 1. That the inhabitants of the town of McMinnville, in Yamhill county, are hereby created a body corporate, with perpetual succession, by the name of the town of McMinnville. They shall have a common seal, may sue and be sued, may acquire and hold real and personal property, within the limits of said town, for any public, educational or charitable purposes, and shall possess all the rights and powers incidental to municipal corporations.

SEC. 2. That the limits of said town shall be as follows: Commencing at a point on the Yamhill river two rods east of the steam grist mill, thence north and west, including the mill blocks and the blocks belonging to Neil Johnson, to K street; thence north along K street, to a point 200 feet north of K street; thence west to Johns' addition to G street; thence north along G street, to Ash street; thence west on the line of Ash street, to Taylor's west line; thence south on Taylor's west line, to the mill ditch, known as the Newby ditch; thence down said ditch to a point where it crosses a natural stream, running in a southerly direction; thence down said stream to Cozine creek; thence down said Cozine creek to the Yamhill river; thence down the Yamhill river, in a northerly direction, to place of beginning.

SEC. 3. That the officers of the town shall be a board of five trustees, a recorder and marshal, who shall be legal voters and actual residents of the town during the six months next preceding the election. The legislative

powers are vested in the board of trustees, who may enact all the ordinances necessary and proper for the due execution of the powers herein granted. The judicial powers are vested in the recorder, who shall, by virtue of his office, be a justice of the peace, and shall have exclusive original jurisdiction of all cases and matters arising under the ordinances of the town, and shall act as clerk of the board of trustees. The marshal shall be the executive officer of the town, a constable and conservator of the peace, and he shall arrest and bring before the recorder for trial, on complaint or otherwise, all offenders against the laws of the State or ordinances of the town, and perform all such duties as the board of trustees shall prescribe. The board of trustees may appoint a treasurer, who shall give bonds in such sum, and with such surety as the board may require, and other subordinate officers and agents, and fill all vacancies in office.

SEC. 4. That all officers shall be elected by the qualified voters of the town annually on the first Monday in November, and [and] the election shall be conducted in accordance with the general laws of the State, except as herein otherwise provided. The first election under this act shall be held on the second Monday of November, 1876, at such place in the town of McMinnville as shall be designated by the inspectors of election, in the notice announcing such election, and the polls shall in all elections be kept open from 10 o'clock a. m. till 12 o'clock m., and from 1 o'clock p. m. till four o'clock p. m. The inspectors of the first election shall be Henry Warren, H. V. V. Johnson and G. H. Burns, who shall cause five days' previous notice of such election to be posted in three conspicuous places in the town, and shall give certificates of election to the successful candidates, and shall give the

poll books to the recorder elect. The board of trustees shall appoint inspectors of subsequent elections, and the places of holding the same, and cause ten days' notice to be posted in three conspicuous places in the town, and receive the returns and declare the result, and the president and recorder shall give certificates of election to the officers elect.

SEC. 5. That the board of trustees shall elect one of their number president, keep a record of their proceedings, meet at least once each month, and at such other times as the president shall appoint; *Provided*, that no one shall be eligible to the office of trustee who is not, at the time of his election, an owner of real estate within the corporate limits of the town. They shall judge of the qualifications and election of their own members, and decide contested elections of all town officers. They shall have power within the town to levy and collect taxes, not exceeding four mills on the dollar per annum, also to levy a poll tax of not less than one dollar or more than two on the male citizens of the town over the age of 21 years and under the age of fifty years;

To license, tax, regulate, restrain and prohibit theatricals and other exhibitions, shows, and amusements, and houses for the sale of intoxicating liquors, ale and beer; but such taxes shall not be less than are prescribed by the general laws;

To provide against fires, nuisances, disorderly behavior, and disturbances of the peace, and also to prohibit bawdy houses, gaming and gambling houses;

To provide for the construction and repair of streets, highways, bridges and sidewalks, and for the cleanliness of the same, and of ditches, drains and sewers;

To regulate or prevent the running at large of animals, and the discharge of fire arms in said town.

SEC. 6. The board of trustees shall have exclusive control of all licenses, and that no part thereof shall go to the county; *And provided further*, that any person having paid a tax or license herein provided for to the town, shall be exempt from paying any tax or license to the county for the purposes for which the same shall have been granted by said town.

SEC. 7. That the enacting clause of every ordinance shall be "the people of the town of McMinnville do ordain as follows," and every ordinance to be valid, must receive the affirmative vote of three trustees, whose names must be entered in the journal.

SEC. 8. That all claims against the town must be audited by the board of trustees, and paid on the order of the president, countersigned by the recorder.

SEC. 9. That the term of office shall commence on the day following the election, but all officers shall serve until their successors are sworn into office. The trustees shall receive no compensation; the recorder shall receive the fees of a justice of the peace, and the marshal the fees of a constable, for like services.

SEC. 10. That the town shall never borrow money, contract debts or loan its credit to a greater amount than two hundred dollars.

SEC. 11. That the board of trustees shall keep a lock-up for persons arrested or sentenced under any of the ordinances of the town or of the general laws; *Provided further*, that all fines made by the violation of any ordinance, shall not exceed one hundred dollars, nor imprisonment for more than twenty days.

SEC. 12. That the board of trustees shall have no power to lay out or open streets [on] the lands of W. T. Newby or John Sax, lying on the outside of the original town plat of the town of McMinnville, except those already given by them to the town and county.

SEC. 13. That no member of the board of trustees shall, during the period for which he is elected, be interested in any contract, the expenses of which are to be paid out of the town treasury.

SEC. 14. Inasmuch as there is great need of local municipal government, this Act shall take effect and be in force from and after its approval by the Governor.

Approved October 20, 1876.

JOINT
RESOLUTIONS AND MEMORIALS
OF THE
LEGISLATIVE ASSEMBLY
OF THE
STATE OF OREGON,
PASSED AT THE
NINTH REGULAR SESSION,
1876.



SALEM, OREGON:
MART. V. BROWN, STATE PRINTER.
1876.

JOINT RESOLUTIONS.

Senate Joint Resolution No. 15.

Resolved by the Senate and House of Representatives of the State of Oregon, a majority of all the members elected to each house concurring:

That the following article, as an amendment to the Constitution of the State of Oregon, be proposed, and referred to the next Legislative Assembly, and if the same shall be concurred in by a majority of all the members elected to each house thereof, and shall afterward be ratified by a majority of the electors of the State, then the same shall, to all intents and purposes, be a part of the Constitution of the State of Oregon:

ARTICLE 1. That section 14 of article ii. of the Constitution of the State of Oregon be and the same is hereby abrogated, and in lieu thereof, section 14 of article ii. of Constitution of the State of Oregon shall be as follows: General elections shall be held on Tuesday next after the first Monday of November, biennially.

Passed the Senate October 3, 1876.

JOHN WHITEAKER,
President of the Senate.

Concurred in by the House October 10, 1876.

J. K. WEATHERFORD,
Speaker of the House.

Senate Joint Resolution No. 22.

Resolved by the Senate, the House concurring:

That the board of State Land Commissioners are hereby authorized and directed to audit the fees for taking testimony and other expenses of land contests in the U. S. land offices, in which this State is a party, and to make such reasonable allowance therefor as said board may deem equitable, and the Secretary of State is hereby authorized and empowered to draw warrants on the State Treasurer, payable out of the general fund, in payment of said expenses.

Adopted by the Senate October 17, 1876.

JOHN WHITEAKER,
President of the Senate.

Concurred in by the House October 17, 1876.

J. K. WEATHERFORD,
Speaker of the House.

Senate Joint Resolution No. 27.

Resolved by the Senate, the House concurring:

That the Secretary of State be and he is hereby authorized to audit and allow the expenses of the several committees heretofore appointed by the Legislative Assembly at its present session, to visit the several public institutions of the State, including mileage, at the rates allowed by law to a member of the Legislative Assembly, and to draw warrants for the same on the State Treasurer, in

favor of the persons performing the services as said committees.

Adopted by the Senate October 19, 1876.

JOHN WHITEAKER,

President of the Senate.

Concurred in by the House October 19, 1876.

J. K. WEATHERFORD,

Speaker of the House.

Senate Joint Resolution No. 27½.

Resolved by the Senate, the House concurring:

That the two houses of the General Assembly will convene in joint convention at 1 o'clock p. m., on this, Friday, 20th day of October, 1876, for the purpose of electing three Pilot Commissioners, three Canal and Lock Commissioners, three Capitol Commissioners, State Librarian, and Register of State Lands at La Grande.

Adopted by the Senate October 20, 1876.

JOHN WHITEAKER,

President of the Senate.

Concurred in by the House October 20, 1876.

J. K. WEATHERFORD,

Speaker of the House.

House Joint Resolution No. 1.

Resolved, That a committee of three on the part of the House and two on the part of the Senate, be appointed to

wait upon his Excellency the Governor, and inform him of the organization of the two houses, and that they are ready to receive any message he may be pleased to make.

Adopted by the House September 12, 1876.

J. K. WEATHERFORD,
Speaker of the House.

Concurred in by the Senate September 12, 1876.

JOHN WHITEAKER,
President of the Senate.

House Joint Resolution No. 2.

Resolved, That a joint committee, consisting of three on the part of the House and two on the part of the Senate, be appointed to examine the books, accounts and management of the Superintendent of the State Penitentiary, also of the other officers and employes of the prison during the past two years, and that said committee be empowered to send for persons and papers during investigation.

Adopted by the House September 12, 1876.

J. K. WEATHERFORD,
Speaker of the House.

Concurred in by the Senate September 13, 1876.

JOHN WHITEAKER,
President of the Senate.

House Joint Resolution No. 3.

Resolved by the House, the Senate concurring:

That a committee of two on the part of the House and

a like committee on the part of the Senate, be appointed to report joint rules for the government of the two Houses.

Adopted by the House September 12, 1876.

J. K. WEATHERFORD,
Speaker of the House.

Concurred in by the Senate September 12, 1876.

JOHN WHITEAKER,
President of the Senate.

House Joint Resolution No. 5.

Resolved, That a committee of three on the part of the House and two on the part of the Senate, be appointed to consider the feasibility of the State assuming directly the care and keeping of the insane. That this committee be authorized to receive and consider all propositions for said care and keeping, in the State's own buildings, or in private asylums. That this committee be authorized to send for and examine witnesses, to procure books, papers and documents, to hear and report testimony, and that this committee be requested to report as soon as convenient.

Adopted by the House September 12, 1876.

J. K. WEATHERFORD,
Speaker of the House.

Concurred in by the Senate September 13, 1876.

JOHN WHITEAKER,
President of the Senate.

House Joint Resolution No. 6.

Resolved by the House, the Senate concurring:

That a joint committee, composed of three from the House and two from the Senate, be appointed to compute the number of miles traveled by each member of this Legislative Assembly to attend the present session, and to report the same to the respective houses as soon as practicable; and,

Resolved, further, That in drawing his warrants upon the Treasurer for mileage of said members, the Secretary of State be governed by the computation of said committee.

Adopted by the House September 13, 1876.

J. K. WEATHERFORD,

Speaker of the House.

Concurred in by the Senate September 14, 1876.

JOHN WHITEAKER,

President of the Senate.

House Joint Resolution No. 9.

Resolved by the House, the Senate concurring:

That a joint committee, composed of two from the House and two from the Senate, be appointed to examine the State University, at Eugene City, and everything connected therewith; inquire into the management of the same; and said committee is hereby instructed to report to each house whether or not the law creating and locat-

ing said University has been fully complied with, and such other facts as the committee may deem proper.

Adopted by the House September 14, 1876.

J. K. WEATHERFORD,

Speaker of the House.

Concurred in by the Senate September 15, 1876.

JOHN WHITEAKER,

President of the Senate.

House Joint Resolution No. 11.

Resolved by the House, the Senate concurring:

That the joint committee appointed to visit and investigate the affairs of the penitentiary be further instructed to ascertain whether or not it would be advisable to dispense with one of the three principal officers of that institution, and report by bill or otherwise.

Adopted by the House September 15, 1876.

J. K. WEATHERFORD,

Speaker of the House.

Concurred in by the Senate September 18, 1876.

JOHN WHITEAKER,

President of the Senate.

House Joint Resolution No. 12.

Resolved by the House, the Senate concurring:

That a special committee of three on the part of the

House and two on the part of the Senate, be appointed as a joint standing committee on railroads.

Adopted by the House September 15, 1876.

J. K. WEATHERFORD,

Speaker of the House.

Concurred in by the Senate September 18, 1876.

JOHN WHITEAKER,

President of the Senate.

House Joint Resolution No. 13.

Resolved by the House the Senate, concurring:

That a joint committee, composed of two from the House, with a like number from the Senate, be appointed to visit and examine into the condition of the Deaf Mute and Blind Schools, and make their report by bill or otherwise.

Adopted by the House September 15, 1876.

J. K. WEATHERFORD,

Speaker of the House.

Concurred in by the Senate September 18, 1876.

JOHN WHITEAKER,

President of the Senate.

House Joint Resolution No. 20.

Be it resolved by the House, the Senate concurring:

That the Secretary of State is hereby authorized and

directed to purchase, for the use of the State of Oregon, two hundred and fifty copies each of volumes four and five of the Oregon Supreme Court Reports, at a price not exceeding six dollars per copy, and that he be directed to dispose of such reports as provided in section 3 of the Act authorizing the purchase of volume 3 of Oregon Supreme Court Reports, approved October 28, 1872; *Provided*, that the reports hereby directed to be purchased, shall conform to the requirements of section 2 of chapter 55 of the miscellaneous laws of Oregon; *Provided further*, that the decisions of the Supreme Court shall hereafter be printed and published only by the Supreme Court Reporter, and not by the State Printer.

Adopted by the House October 9, 1876.

J. K. WEATHERFORD,

Speaker of the House.

Concurred in by the Senate October 16, 1876.

JOHN WHITEAKER,

President of the Senate.

House Joint Resolution No. 21.

Resolved by the House, the Senate concurring:

That the Chief Justice of the Supreme Court is hereby authorized to sell or exchange all duplicate reports now in the State Library, the proceeds of such sale, if made, to

be expended in the purchase of other useful books to the library.

Adopted by the House October 4, 1876.

J. K. WEATHERFORD,
Speaker of the House.

Concurred in by the Senate October 4, 1876.

JOHN WHITEAKER,
President of the Senate.

House Joint Resolution No. 24.

WHEREAS, The American nation is under lasting obligation to those brave defenders of our country who periled their lives in the war with Mexico; and

WHEREAS, These old veterans are now few in number, and advanced in age, and rapidly passing away; and

WHEREAS, It would be a merited tribute from a grateful people to these old defenders that the nation should offer them a last reward, in recognition and remembrance of their patriotic duty; therefore,

Resolved by the House, the Senate concurring:

That our United States Senators and Representatives in Congress are respectfully requested to endeavor to effect the passage of a law which shall suitably pension all surviving soldiers of the Mexican war, not heretofore pensioners under previous Acts.

Adopted by the House October 9, 1876.

J. K. WEATHERFORD,
Speaker of the House.

Concurred in by the Senate October 10, 1876.

JOHN WHITEAKER,
President of the Senate.

House Joint Resolution No. 25.

MR. SPEAKER:

Having been honored by the citizens of Linn county to a seat in the State convention which framed the Constitution of the State of Oregon; and, also, having placed my name to said instrument, as one of the delegates from said Linn county, which signature has been incorrectly printed, as found on page 99 of the Statutes of Oregon, as compiled by Matthew P. Deady and Lafayette Lane; I therefore move the following joint resolution:

Resolved by the House, the Senate concurring:

That the members of this Legislative Assembly, together with all the officers of this State, and of the counties thereof, are hereby authorized and required to change the name of John T. Brooks to that of John T. Crooks, by pasting the letter C over the letter B in said name.

Adopted by the House October 9, 1876.

J. K. WEATHERFORD,
Speaker of the House.

Concurred in by the Senate October 10, 1876.

JOHN WHITEAKER,
President of the Senate.

House Joint Resolution No. 27.

WHEREAS, There was appropriated for the benefit of the Orphans' Aid Society the sum of three thousand dollars, by the Legislative Assembly of 1874; and,

WHEREAS, Said society has not reported to this body the disposition made of said sum so appropriated, nor as to the condition of said society; therefore,

Resolved by the House, the Senate concurring:

That there be a committee of two on the part of the House and a like number on the part of the Senate, who shall visit said Orphans' Aid Society and examine into the condition of the orphans provided for by said society; also, as to the best mode of providing for them; also, inquire what disposition has been made of the amount appropriated for the use of said society in 1874, and report immediately.

Adopted by the House of Representatives October 12, 1876.

J. K. WEATHERFORD,
Speaker of the House.

Concurred in by the Senate October 13, 1876.

JOHN WHITEAKER,
President of the Senate.

House Joint Resolution No. 28.

Resolved by the House, the Senate concurring:

That the Secretary of State be authorized to publish the school laws of Oregon, as amended; that a sufficient

number of said laws, in pamphlet form, be printed to supply any district in this State with four copies.

Adopted by the House October 16, 1876.

J. K. WEATHERFORD,
Speaker of the House.

Concurred in by the Senate October 16, 1876.

JOHN WHITEAKER,
President of the Senate.

House Joint Resolution No. 34.

Resolved by the House, the Senate concurring:

That the Committee of Ways and Means of both houses be and they are hereby instructed to report to their respective houses the per diem of their respective Clerks, Sergeant-at-Arms and Door-keeper, of the Legislative Assembly at this session.

Adopted by the House October 18, 1876.

J. K. WEATHERFORD,
Speaker of the House.

Concurred in by the Senate October 18, 1876.

JOHN WHITEAKER,
President of the Senate.

House Joint Resolution No. 34½.

Resolved by the House, the Senate concurring:

That the Secretary of State be and he is hereby au-

thorized to expend a sufficient sum of money, not to exceed three thousand dollars, to protect the outside walls of the new Capitol from the inclemency of the weather, and he is hereby authorized to make a full report of such expenses to the next Legislative Assembly.

Adopted in the House October 20, 1876.

J. K. WEATHERFORD,

Speaker of the House.

Concurred in by the Senate October 20, 1876.

JOHN WHITEAKER,

President of the Senate.

JOINT MEMORIALS.

Senate Joint Memorial No. 2.

To the Senate and House of Representatives of the United States of America, in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Oregon, most respectfully represent that the Columbia river, forming the boundary in part between the State of Oregon and the Territory of Washington, and draining the Territories of Idaho, Utah and Montana west of the Rocky mountains, ranks among the rivers of the United States next in importance to the Mississippi, and is the largest river flowing into the Pacific ocean from the American continent, its tributaries watering about 220,000 square miles of territory; that the Columbia is the only river in the United States admitting deep sea-going vessels and ocean steamers one hundred miles into the interior from its mouth; that the channel of this river affords first class facilities for the navigation of river steamers of large size, and for barge transportation for the distance of five hundred miles or more, obstructed only by two principal rapids and a few reefs and rocks, removable by ordinary engineering. The rapids at the Cascades of the Columbia river have already been surveyed, favorably reported upon by the military

engineers, and an appropriation has been made of \$90,000 for beginning the construction of canal and locks to overcome the obstructions of the rapids at said point. And surveys of the rapids called The Dalles have been made and favorably reported upon as feasible for improvement for canal and locks at a limited expense, in comparison with the great commercial advantages which will result from such improvement. That the commerce already developed on said river is quite important, and every year increasing at a rapid rate. A very great extent of country bordering upon the Upper Columbia river is adapted for the growth of the cereals in the highest perfection, and no undeveloped region of our country offers better advantages to agricultural settlers than this region. The great problem to be solved in opening this country to early settlement and great productiveness is cheap transportation to the sea of the great future agricultural exports which will follow the occupancy of this country. The Columbia river, when cleared of obstructions and opened to free navigation, will furnish the channel for this cheap transportation. Your memorialists therefore pray, in the interest of the future development of this country, as well as in the interest of the general commerce of the United States, that Congress grant liberal appropriations for the opening and free navigation of the great Columbia river.

Adopted in the Senate September 28, 1876.

JOHN WHITEAKER,

President of the Senate.

Concurred in by the House October 3, 1876.

J. K. WEATHERFORD,

Speaker of the House.

Senate Joint Memorial No. 3.

To the Senate and House of Representatives of the United States, in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that several years since, the United States authorized and directed a geological survey of the then territory of Oregon, and made a limited appropriation therefor, but owing to the extensive field proposed to be examined, and the limited allowance made for the same, but little work of importance was accomplished; that the geology of Oregon is of the most interesting character; that there are indications of vast beds of coal and iron, the most valuable lodes of silver and gold and other precious metals; that no undeveloped region of the United States offers better prospects for the investment of capital in mining than the State of Oregon. We therefore respectfully pray that Congress make an appropriation in the interest of science and general commerce, to defray the expenses of a scientific and thorough geological survey of this important part of the public domain. As in duty bound, we will ever pray.

Adopted by the Senate October 7, 1876.

JOHN WHITEAKER,

President of the Senate.

Concurred in by the House October 14, 1876.

J. K. WEATHERFORD,

Speaker of the House.

Senate Joint Memorial No. 5.

*To the Honorable the Senate and House of Representatives
of the United States, in Congress assembled:*

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that, by the several Acts of Congress in aid of the construction of the Northern Pacific Railway, the Oregon and California Railway, and the Oregon Central Railway, the minimum price of the alternate sections of the public lands by the general government within the limits of the railroad grants has been increased from \$1 25 per acre to \$2 50 per acre, while, at the same time, the amount which can be taken by any one has been reduced from 160 acres to 80 acres, and by this increase of price and reduction of quantity, a great injustice is done to the citizens who desire to become pre-emptors and homestead settlers upon said public lands; that a large proportion of the unsettled lands within said railroad belt is of the character known as grazing lands, which cannot be profitably purchased at \$2 50 per acre, nor profitably occupied in quantities limited to 80 acres, therefore the sales of said public lands are retarded and the country remains unsettled, to the injury of both the United States and the State of Oregon. And your memorialists further represent, for the reasons above-stated the State is embarrassed in making selections of the public land to which she is entitled under the various acts of Congress, inasmuch as by said acts she is required to accept one-half the quantity of lands to which she is entitled, if selected within said railroad belt. We therefore pray your honorable body to so amend or modify the several acts referred to above, as to authorize the sale of said lands at the usual minimum rate, and in quantities of a

quarter section to any settler, and that the State may be allowed to select the lands granted her by the several acts of Congress at the minimum price of \$1 25 per acre. And as in duty bound, we will ever pray.

Adopted by the Senate October 17, 1876.

JOHN WHITEAKER,

President of the Senate.

Concurred in by the House October 17, 1876.

J. K. WEATHERFORD,

Speaker of the House.

House Joint Memorial No. 1.

To the Honorable Senate and House of Representatives, in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that the Coquille river, in Coos county, Oregon, is greatly in need of improvements, which can be made only by the general government. This river drains a section of country rich in soil and timber, and embraces an area of over nine hundred square miles. The timber lands comprise a large portion of this region of country. There are forests of excellent and valuable growths of fir, cedar, myrtle and other varieties. This timber is the foundation of an immense export trade, and could be shipped at little cost if

the improvements on the river herein asked for were made. The ordinary tides of the Coquille river ebb and flow for forty miles, thus affording sufficient water, if properly controlled, for the commercial uses of the country. The entrance, or mouth of this river, is obstructed by numerous large rocks, which render it extremely dangerous to water craft or vessels crossing the bar and entering the river. These difficulties and hindrances to free navigation create delays and prevent competition with other parts, and but little trade is carried on in proportion to what should be, and ruinous freights and an undeveloped country are the result. If these improvements were made, a channel would be opened of fourteen feet deep at all seasons of the year. Freight from this river now to San Francisco is \$15 00 per thousand feet lumber, while from Coos bay and Umpqua river, freight is \$6 00 per thousand feet, making more than double freight to be paid by shippers on the Coquille river. These ports are all near to each other, and carry on the same trade. Improvements along the river are being made of a substantial character. Four saw mills of large capacity, cutting forty thousand feet per day, are in successful operation. Gold mines are being developed with great profit near the entrance of this river. These enterprises have engaged a capital of over (\$200,000) two hundred thousand dollars. With these much needed and indispensable improvements, the population of Coos county will be more than doubled within two years after completion, by settling up unoccupied government land. This will afford an income to the general government, in the payment of these lands, in an amount greater than the appropriations asked for. Wherefore your memorialists pray that (\$100,000) one hundred thousand dollars be appropriated for improving the chan-

nel and harbor of the Coquille river. Your memorialists will ever pray.

Adopted by the House September 15, 1876.

J. K. WEATHERFORD,
Speaker of the House.

Concurred in by the Senate September 18, 1876.

JOHN WHITEAKER,
President of the Senate.

House Joint Memorial No. 2.

To the Senate and House of Representatives of the United States of America:

Your memorialists, the Legislative Assembly of the State of Oregon, most respectfully represent that there is no harbor or place of refuge for ocean vessels on the Oregon coast, south of Astoria, on the Columbia river. During the winter months no part of the ocean is more perilous or dangerous to our commerce than this part of the Pacific coast. Vessels caught in the terrible gales and storms which prevail here for a portion of the year, are driven about, cast ashore, capsized, or torn to pieces, thereby endangering the lives of many persons, and causing great destruction to property. These vessels, this property, and these valuable lives could have been saved had there been a port of refuge in which the vessels could have ridden out the storm in safety. The great loss of life and property caused by the destructive gales, for years past, tell us plainly that we should have protection for our commerce from the general government. Our trade and

commerce are greatly and rapidly increasing, and this highway upon the ocean is now one of the great highways of the world. Cape Foulweather, in Oregon, is a suitable point at which to build a breakwater for the protection of ocean vessels. The favorable location, having a fine, first class lighthouse to the north and third class light to the south, defining its position clearly in the stormiest weather, the superior natural advantages, the abundance of rock and all kinds of material, near at hand, required for the work, make Cape Foulweather one of the most economical and available points on the north Pacific coast, embraced within the latitude mentioned, for a place of refuge for shipping during the storms that prevail for so many months on this coast. Whereupon, your memorialists pray that such steps may be taken as may be necessary to procure a survey of Cape Foulweather, with a view to make it a point at which to construct a port of refuge, and that all the aid be given it by the government of the United States, by appropriations or otherwise, that can be by it bestowed on such objects; and our Representatives and Senators in Congress be requested to use all proper efforts to obtain the appropriation of an amount of money necessary to be applied in surveying and building a breakwater at Cape Foulweather, for the protection of the lives and property of those engaged in commerce on the high seas. And your memorialists will ever pray.

Adopted by the House September 19, 1876.

J. K. WEATHERFORD,
Speaker of the House.

Concurred in by the Senate September 20, 1876.

JOHN WHITEAKER,
President of the Senate.

House Joint Memorial No. 3.

To the Senate and House of Representatives of the United States of America:

Your memorialists, the Legislative Assembly of the State of Oregon, would most respectfully represent that the Alsea river, in Benton county, Oregon, is a river of considerable size and volume, and empties into the Alsea bay, in said county and State; that along the margin of said river, and also on and around said bay, and in all the country drained by said river and its tributaries, there is an abundance of cherry, fir, ash, alder, maple, cedar and other timber, valuable for shipment; that there is also mills on said river and bay for the manufacturing of said timber into lumber; and your memorialists further represent, that there is at present a large settlement in the Alsea valley, and along said river to its mouth, and also on the Alsea bay, and that there is yet land unoccupied, and fit for cultivation; that the settlers in said valley, along said river, and on said bay, are engaged in raising stock, flax, grain, etc. Your memorialists further represent, that the natural outlet to all this country is by way of Alsea bay to the ocean; that schooners are now entering and departing from said bay, and the said Alsea bay is of sufficient importance to the citizens of that locality, and to the State at large, to require aid and attention from the general government. Wherefore, your memorialists pray that such steps be taken as may be necessary to procure the survey and buoying of the said Alsea bay, and the entrance thereto, and our Senators and Representatives in Congress are instructed to use all honorable means to procure an appropriation in money sufficient to survey and

buoy said Alsea bay, and entrance thereto, and your memorialists will ever pray.

Adopted by the House September 20, 1876.

J. K. WEATHERFORD,

Speaker of the House.

Concurred in by the Senate September 20, 1876.

JOHN WHITEAKER,

President of the Senate.

House Joint Memorial No. 4.

*To the Honorable the Senate and House of Representatives
of the United States, in Congress assembled:*

Your memorialists, the Legislative Assembly of the State of Oregon, most respectfully represent that the Willamette river is the chief tributary to the Columbia in western Oregon; that during the greater part of the year it is navigable for steamers for the distance of one hundred and fifty miles, but that during the dry season the same is navigable only about one-half the distance, and by light draft steamers only; that the Willamette valley embraces eight thousand square miles of the best wheat producing land in the world; that during the present season, three millions of bushels of wheat for export have been produced in this valley, while but a limited portion of the land has been under cultivation. The products of this part of Oregon will increase rapidly from year to year. There is no river of its importance which can be so easily improved and made navigable for river steamers and barges, at a limited expense, as the Willamette. By pri-

vate enterprise, aided by the State, the main obstruction to navigation at the falls of this river, at Oregon City, has been overcome; a canal and locks of the most perfect and enduring character have been constructed, at the cost of four or five hundred thousand dollars, creating slack-water navigation, and overcoming the falls of forty feet high. It is estimated by competent engineers that an appropriation of one hundred thousand dollars, in addition to the sum already appropriated, will be sufficient to render the Willamette navigable to the extent of one hundred and fifty miles, during all seasons of the year. Impressed with the great and commanding importance of this improvement, your memorialists pray your honorable body to grant an appropriation sufficient to complete the improvement of said river. And, as in duty bound, will ever pray.

Adopted by the House September 22, 1876.

J. K. WEATHERFORD,
Speaker of the House.

Concurred in by the Senate September 26, 1876.

JOHN WHITEAKER,
President of the Senate.

House Joint Memorial No. 5.

To the Honorable the House of Representatives of the United States, in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that the Siletz reservation embraces an area of one hundred and seventy-five thousand acres of land, much of which is suitable for

cultivation; that in the year 1855 there were located on said reservation 2,800 Indians, and they have decreased in numbers since that time to less than 600; that only a small proportion of the said 600 Indians till or improve any part of said land; that recently, by order of the general government, a new agency, within the boundaries of said Siletz reservation, and near the mouth of Salmon river, has been established, on which the Nestucka, Salmon River and Alsea Indians are in part located. Your memorialists would further represent that this new agency is amply large enough to accommodate all the Indians on the Siletz reservation, and is well adapted to their wants, being near the coast, where an abundance of game and shellfish supply an easy and certain living. In view of the fact that thousands of acres of good land for agricultural purposes is lying idle, while immigrants from the East are seeking homes in Oregon, we respectfully and earnestly ask that all the land, except so much as is necessary for the requirements of the new Salmon river agency, and that which is at present occupied by Indians, who have built dwelling houses, barns, and improved their lands, and who express a desire to remain on said farms, be thrown open to settlement. Your memorialists, therefore, urge upon your honorable body that a law may be passed at an early day for the extinguishment of the Indian title to the Siletz reservation, and for preparing the same for settlement. And we will ever pray.

Adopted by the House September 26, 1876.

J. K. WEATHERFORD,

Speaker of the House.

Concurred in by the Senate September 27, 1876.

JOHN WHITEAKER,

President of the Senate.

House Joint Memorial No. 6.

To the Senate and House of Representatives of the United States of America, in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that there are extensive tracts of the public lands in Eastern Oregon which may be properly termed "desert lands," being such on account of the lack of water to furnish the necessary irrigation for the production of crops; that there are also other extensive tracts of land in said Eastern Oregon producing grass, but which are unavailable for grazing purposes on account of the absence of streams of water or springs sufficient to furnish water for herds or flocks grazing upon the same. These lands cannot be disposed of by the United States under existing laws, for the reason that they are not available for the purposes of settlement on account of want of water as aforesaid. Your memorialists would, therefore, pray that an act of Congress be passed authorizing the sale of these tracts, in quantities greater than 160 acres to a single purchaser, and at rates less than the minimum price of one dollar and twenty-five cents per acre, upon condition that the same be irrigated by the purchasers, by means of artesian wells or artificial canals, so as to render the same productive and available for grazing and agricultural purposes. As in duty bound, will ever pray.

Adopted by the House October 10, 1876.

J. K. WEATHERFORD,
Speaker of the House.

Concurred in by the Senate October 10, 1876.

JOHN WHITEAKER,
President of the Senate.

House Joint Memorial No. 8, requesting Congress to change the northern boundary of Oregon so as to make it conform to her Constitution.

To the Senate and House of Representatives of the United States, in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Oregon, most respectfully represent—

1. That the constitution of the State of Oregon provides that the northern boundary of the State shall be "from the Columbia river up the middle of the main channel of Snake river, to the mouth of the Owyhee river."

2. That the Act of Congress, approved February 14, 1859, admitting Oregon into the Union, changes the northern boundary to read as follows: "From a point on the Columbia river near Fort Walla Walla, where the forty-sixth parallel crosses the Columbia river; thence east on said parallel to the middle of the main channel of the Shoshone or Snake river; thence up the middle of the main channel of said river to the mouth of the Owyhee river."

3. That the northern boundary of this State, as fixed in her constitution, is a natural and convenient line, while the line substituted in lieu thereof by said Act of Congress, to-wit: the forty-sixth parallel, is an artificial line, and one inconvenient to the people living along said line, who, in many instances, own farms lying in both Oregon and Washington Territory, thus subjecting them to two jurisdictions in the payment of taxes, and for other purposes.

4. That it is the earnest desire and wish of the people of this State that the boundary lines of Oregon, as defined in her constitution, and adopted by her citizens, shall be

established as her permanent boundary lines. Therefore, your memorialists respectfully and earnestly request that said Act of Congress, approved February 14, 1859, be so amended as to make the boundary lines of this State conform to the boundary lines set forth in her constitution.

Adopted by the House October 9, 1876.

J. K. WEATHERFORD,
Speaker of the House.

Concurred in by the Senate October 10, 1876.

JOHN WHITEAKER,
President of the Senate.

House Joint Memorial No. 9.

To the Secretary of the Interior:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent, that by Acts of Congress granting lands to the State of Oregon to aid in the construction of a military wagon road from Dalles City, on the Columbia river, to Fort Boise, on the Snake river, approved February 25, 1867, and to the Willamette Valley and Cascade Mountain Wagon Road company, to aid the construction of a military wagon road from Albany, Oregon, by way of Canyon City, to the eastern boundary of the State, approved October 24, 1866; also, to the Oregon Central Military Road Company, to aid in the construction of a wagon road from Eugene City to the eastern boundary of Oregon, in sections designated by odd numbers, to the extent of three sections in width on each side of said road, and that alternate sections, not exceeding ten miles in distance from said road, was by said Acts granted to said State of Oregon, and to said company,

from which to select lands in lieu of lands occupied adversely, or reserved to the United States; and your memorialists further represent, that all of the alternate sections within the said region of ten miles distant from said road, on either side, throughout the entire distance of the same, have been withdrawn, by order of the General Land Office, from settlement and sale, and still continues to be withheld from lawful disposal, to the great injury of the State of Oregon. Your memorialists further represent, that said lands are now in the ownership of private companies of capitalists who are not using diligence to secure the selection of the lieu lands to which they are entitled under the provisions of said Acts of Congress. We therefore pray that the owners of said lieu lands be required to make selections of all lieu lands to which they are entitled, and that the balance of said alternate sections within said region of ten miles wide from said road be restored to the public land, and open for pre-emption, settlement and sale by the United States, in order to promote the occupancy of the same, and the development and prosperity of this State; and that the clerk of the House is hereby directed to forward a copy of the above memorial to each of our Senators, and our Representative in Congress.

Adopted by the House October 9, 1876.

J. K. WEATHERFORD,

Speaker of the House.

Amended and concurred in by the Senate October 16, 1876.

JOHN WHITEAKER,

President of the Senate.

Senate amendment concurred in by the House, October 16, 1876.

J. K. WEATHERFORD,

Speaker of the House.

CHANGE OF NAME.

DALLAS, OREGON,
December 1st, A. D., 1876. }

Hon. S. F. Chadwick,

Secretary of State:

SIR: I have the honor to report that at the regular July term of the County Court of Polk county, Oregon, on the 3d day of July, A. D. 1876, upon the petition of J. L. Williams and Martha E. Williams, his wife, and Ephriam Conrow, setting forth that Julietta Conrow, minor daughter of said Ephriam Conrow, was born October 17, 1873; that shortly after the birth of said child, her mother, Julia Ann Conrow, died, and that since her death said child has been kept and cared for in the family of said J. L. Williams, and asking that she be adopted into said family and her name changed to Julietta Williams. After due consideration of said matter, it was ordered and decreed by the Court that said Julietta Conrow be adopted as, and to all legal intents to be, the child of said J. L. Williams and Martha E. Williams, and that the name of said child be changed from Julietta Conrow to Julietta Williams.

Very respectfully,

WARREN TRUITT,
County Judge.

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